

**AGENDA**  
Mansfield Conservation Commission  
Regular Meeting  
Wednesday, December 19, 2012  
Audrey P. Beck Building  
CONFERENCE ROOM B  
7:30 PM

- 1. Call to Order**
- 2. Roll Call**
- 3. Opportunity for Public Comment**
- 4. Minutes**
  - a. November 14, 2012
  - b. November 27, 2012
- 5. New Business**
  - a. IWA Referral:                W1508 - Rebecca Shafer - Echo Road - addition & Deck in buffer  
   W1509 - Fisher Builders LLC - Coventry Rd - garage/shop in buffer
  - b. Letter from Tulay Luciano Re: Bringing Back SB 1094 (2003) to Connecticut General Assembly
  - c. Other
- 6. Continuing Business**
  - a. Protecting Dark Skies in the Last Green Valley
  - b. Water Source Study for the Four Corners Area/Environmental Impact Evaluation (EIE)
  - c. Swan Lake Discharge Mirror Lake Dredging and other UConn Drainage Issues
  - d. UConn Agronomy Farm Irrigation Project
  - e. Eagleville Brook Impervious Surface TMDL Project
  - f. UConn Hazardous Waste Transfer Station
  - g. Ponde Place Student Housing Project
  - h. CL&P "Interstate Reliability Project"
  - i. Other
- 7. Communications**
  - a. Minutes
    - ☐ Open Space (11/27/12)
    - ☐ PZC (11/5/12, 11/19/12, 12/3/12)
    - ☐ IWA (11/5/12, 11/19/12, 12/3/12)
  - b. Inland Wetlands Agent Monthly Business Report
  - c. Other
- 8. Other**
- 9. Future Agendas**
- 10. Adjournment**



Town of Mansfield  
**CONSERVATION COMMISSION**  
Meeting of 14 November 2012  
Conference B, Audrey P. Beck Building  
(draft) MINUTES

*Members present:* Joan Buck (Alt.), Neil Facchinetti, Quentin Kessel, Scott Lehmann, John Silander. *Members absent:* Aline Booth (Alt.), Robert Dahn, Peter Drzewiecki, Frank Trainor. *Others present:* Grant Meitzler (Wetlands Agent), Linda Painter (Town Planner), Pat Suprenant.

1. The meeting was called to order at 7:30p by Chair Quentin Kessel. Alternate Joan Buck was designated a voting member for this meeting.

2. "Proposed open-space purchases" was added (under "New Business") to the agenda, which was reordered to accommodate the Town Planner.

3. The draft minutes of the 17 October 2012 meeting were approved as written.

4. Painter distributed a memo from Town Manager Matt Hart requesting comments (by 04 December) on the draft **UConn Water Supply Environmental Impact Evaluation (EIE)**, released on 06 November. Attached were copies of the Executive Summary, Chapter 1 (Introduction), and Chapter 12 (Selection of Preferred Alternative). {The full draft is available via links at <http://www.ct.gov/ceq/view.asp?a=987&Q=24943&ceqNav=%7C#EIE>.}

New water needed in 2060 by UConn and the Town is estimated at 1.23 million gallons per day (on average, including a 15% margin of safety). This reflects an increase (over previous estimates) of 0.38 mgd for the proposed UConn Technology Park. Of the potential sources studied, the only ones capable of supplying this amount of water were Windham Water Works (WWW, from Willimantic Reservoir), Connecticut Water Company (CWC, from Shenipsit Reservoir and CWC ground sources), and Metropolitan District Commission (MDC, from Barkhamsted and Nepaug Reservoirs). Capital costs (piping, pump stations, upgrading water treatment plants, etc.) are estimated at \$20.3M for the CWC option and \$47.6M for either WWW or MDC. Piping would be under or along existing roadways. Potential environmental costs are increased development along the route of the new water line and reduced streamflows from the source reservoirs.

In discussion, Kessel wondered if imported water could supply all of UConn and Mansfield's water needs. Were the Fenton and Willimantic wells no longer needed, it might be good for the Fenton and Willimantic Rivers but could also permit development in what are currently aquifer protection areas. Ms. Suprenant noted that the CWC and MDC options may be more difficult to reconcile with state and town plans of conservation and development than the WWW option, which would be built within Mansfield.

Commission members agreed to read the documents provided and to decide by Monday, 19 November, whether to convene a special meeting at 4:00p on Tuesday, 27 November, to formulate comments on the EIE.

5. Painter reported that members of the advisory committee on siting UConn's **Hazardous Waste Transfer Station** will be asked to score alternative sites (using various criteria developed by the committee) before the next meeting. The committee will then attempt to assemble the rankings of individual members into a committee ranking.

6. **Swan Lake Diversion.** The DEEP is asking (letter dated 22 October) UConn for more

information regarding its proposal to reduce storm-water flows in the Eagleville Brook watershed through low impact development (rain gardens, pervious pavement, etc.). If run-off into Eagleville Brook could be reduced in this way, UConn could avoid doing so by diverting run-off into the Fenton River watershed via Swan Lake, as proposed in the UConn master drainage plan. Such a diversion would dump polluted water into a public water supply watershed.

**7. Open Space.** A public hearing will be held on Monday, 26 November, on the proposed purchase of two parcels of land for open space, one near Wolf Rock, the other near Dunhamtown Forest. Both parcels are interior properties with no frontage and abut existing natural areas owned by the Town or Joshua's Trust. The Commission agreed unanimously (**motion: Kessel, Lehmann**) to recommend purchase of these properties.

**8. Referrals.**

**a. W1505 & PZC#1214-3 (Beacon Hill Estates II, Mansfield City Rd.)** Relative to the earlier proposal discussed by the Commission on 18 July, a conservation easement has been added to lot 37 along its southern boundary line so that open space to the east is connected to state land to the west; however, the size of the conservation easement on the western portion of lot 36 has been reduced accordingly. After some discussion, the Commission agreed unanimously (**motion: Kessel, Buck**) on the following comment:

The Commission is disappointed that so much of the open space dedication is wetland (with extensive barberry), which the developer could not have developed in the first place. It urges that conservation easements be drafted so as to permit a trail for public use from the dedicated open space on the east to State land on the west.

**b. W1507 (Shifrin, Kirby Mill Hydro Project)** This application for a wetlands permit is essentially identical to one made (and granted) in 2006, as modified in 2010. That permit has expired, so a re-application is required. Concerning the original application (W1339), the Commission commented on 15 February 2006 that "the CC supports, in principle, the reestablishment of this hydroelectric power plant. Assuming the other permits, e.g., from the Army Corps of Engineers, the DEP (including the fisheries division), etc., are in place, the CC perceives no significant negative impact on the wetlands involved." The Commission agreed unanimously to the following **motion** (Lehmann, Kessel) regarding W1507:

Inasmuch as the project described in this application is essentially identical to the one covered by the original 2006 permit, as modified in 2010, the Commission foresees no significant impact on wetlands.

{Lehmann participated in the IWA Field Trip to this site earlier in the day; his report is attached.}

**9. 2013 meeting schedule.** The Commission approved a meeting schedule for 2013 specifying monthly meetings at 7:30p on the third Wednesday of the month. {The draft schedule from the Planning Office incorrectly indicates that the August meeting will be on 14 August instead of 21 August 2013.}

**10. Adjourned** at 9:13p. Next meeting: 7:30p, Wednesday, 19 December 2012.

Scott Lehmann, Secretary, 16 November 2012.

Attachment: 14 Nov. IWA Field Trip Report

**W1507 (Shirfin, Kirby Mill Hydro Project).** The original permit (as modified in 2010) for this project has expired, and the Shirfins must reapply. The proposal is essentially identical to the one covered by the expired permit. It calls for constructing a new small hydro installation at the Kirby Mill as a test laboratory and demonstration project for the efficient turbine design developed by the Shirfins. Head will be provided by the existing Kirby Mill Dam. The headrace will initially follow the course of the old headrace before angling slightly toward the river to a new powerhouse with room for five small side-by-side turbines; discharge will be via a tailrace broader than the old one, but following the same course. The headrace will be enclosed in square-box concrete culvert covered by soil. The tailrace will be in wetland, as will the beginning of the headrace. Construction would occur during summer, when low flows are expected; a haybale fence and settling pond is specified to keep construction sediment out of the river. Mr. Shirfin hopes to complete the project in 2013. He indicated that it should improve fish habitat in this reach of the river by diverting high flows that flush fish downstream.

Scott Lehmann

PAGE  
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Memorandum:

November 29, 2012

To: Inland Wetland Agency  
From: Grant Meitzler, Inland Wetland Agent  
Re: New Business for December 3, 2012 meeting

**New Applications:**

W1508 - Rebecca Shafer - 45 Echo Road - additions to house and deck

	yes	no
	-----	-----
fee paid .....	x	
notice to neighbors .....	x	
map dated .....	10.29.2012	

This application is for additions to the house and deck that are within the 150' regulated area next to wetlands (Echo Lake).

Receipt and referral to the Conservation Commission are appropriate.

W1509 - Fisher Builders LLC - 260 Coventry Rd  
addition, combination Christmas Tree Shop and Garage

	yes	no
	-----	-----
fee paid .....	x	
notice to neighbors .....	x	
map dated .....	10.25.2012	

This application is for an addition to serve seasonally as a Christmas Tree Shop and as a garage. No work is proposed in wetlands. The proposed building is within the 150' regulated areas next to wetlands.

Receipt and referral to the Conservation Commission are appropriate.

PAGE  
BREAK



APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 860-429-3330  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W1508  
Fee Paid 185  
Date Received 11-19-12

*Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.*

Please print or type or use similar format for computer; attach additional pages as necessary.

**Part A - Applicant**

Name Rebecca Shafer

Mailing Address 45 Echo Road

Mansfield Center, CT Zip 06250

Telephone-Home 860-456-5540 Telephone-Business 860-786-8286 (c)

**Title and Brief Description of Project**

Home addition and garage expansion.

Location of Project same as above

Intended Start Date pending approval

**Part B - Property Owner** (if applicant is the owner, just write "same")

Name same as applicant

Mailing Address \_\_\_\_\_

\_\_\_\_\_ Zip \_\_\_\_\_

Telephone-Home \_\_\_\_\_ Telephone-Business \_\_\_\_\_

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature N/A date \_\_\_\_\_

Applicant's interest in the land: (if other than owner) N/A

**Part C - Project Description (attach extra pages, if necessary)**

- 1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application – page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse  
b) in the area **adjacent** to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is **off** your property

Proposed addition/ modification of existing dwelling.

See attached architectural plans.

a.) No proposed activity in wetlands.

b.) Proposed screen porch approximately 47' from edge of Echo Lake.

- 2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

- a) in the wetland/watercourse  
b) in the area **adjacent** to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is **off** your property

Area of disturbance around existing dwelling is about 6,000 sq. ft.

a.) No activity in wetlands.

b.) Disturbance approximately 35' from Echo Lake at its closest point.

- 3) Describe the type of materials you are using for the project: \_\_\_\_\_

The garage will require a concrete foundation.

The rest of building improvements will be constructed on concrete sona tubes.

- a) include **type** of material used as fill or to be excavated gravel/ 3/4" stone  
b) include **volume** of material to be filled or excavated Approximately 50 cu. yds. of loam and subsoil will be excavated for concrete frost walls and used for backfill & grading.

- 4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

Silt fence will be installed down gradient of proposed activity (between construction area & Echo Lake). Silt fence will also provide contractors with limits of disturbance. Silt fence will be checked on a daily basis and after every storm event and repaired as needed.

**Part D - Site Description**

Describe the general character of the land. (Hilly? Flat? Wooded? Well drained? etc.)

Front yard is relatively flat and rear slopes towards Echo Lake.

Majority of lot is wooded.

#### Part E - Alternatives

Have you considered any alternatives to your proposal that would meet your needs and might have less impact on the wetland/watercourse? Please list these alternatives.

The front building setback line, which is based on variances granted in 2000, has a limited amount of area with which to expand. Major portion of expansion requiring excavation has been limited to the north side of existing dwelling.

#### Part F - Map/Site Plan (all applications)

1) Attach to the application a map or site plan showing **existing conditions** and the **proposed project** in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. (See guidelines at end of application – page 6.)

2) Applicant's map date and date of last revision October 29, 2012

3) Zone Classification RAR 90

4) Is your property in a flood zone?      Yes   X   No      Don't Know

#### Part G - Major Applications Requiring Full Review and a Public Hearing

See Section 6 of the Mansfield Regulations for additional requirements.

#### Part H - Notice to Abutting Property Owners

1) List the names and addresses of abutting property owners

Name                      Address

see attached sheet

2) **Written Notice to Abutters.** You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. **Postal receipts of your notice to abutters must accompany your application.** (This is not needed for exemptions).

**Part I - Additional Notices, if necessary**

- 1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield--sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.
- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested.
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

**Part J - Other Impacts To Adjoining Towns, if applicable**

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? \_\_\_ Yes X No \_\_\_ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? \_\_\_ Yes X No \_\_\_ Don't Know
- 3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? \_\_\_ Yes X No \_\_\_ Don't Know

**Part K - Additional Information from the Applicant**

Set forth (or attach) any other information which would assist the Agency in evaluating your application. *(Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.)*

**Part L - Filing Fee**

Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

\_\_\_ \$1,000. \_\_\_ \$750. \_\_\_ \$500. \_\_\_ \$250. X \$125. \_\_\_ \$100. \_\_\_ \$50. \_\_\_ \$25.

X \$60 State DEP Fee

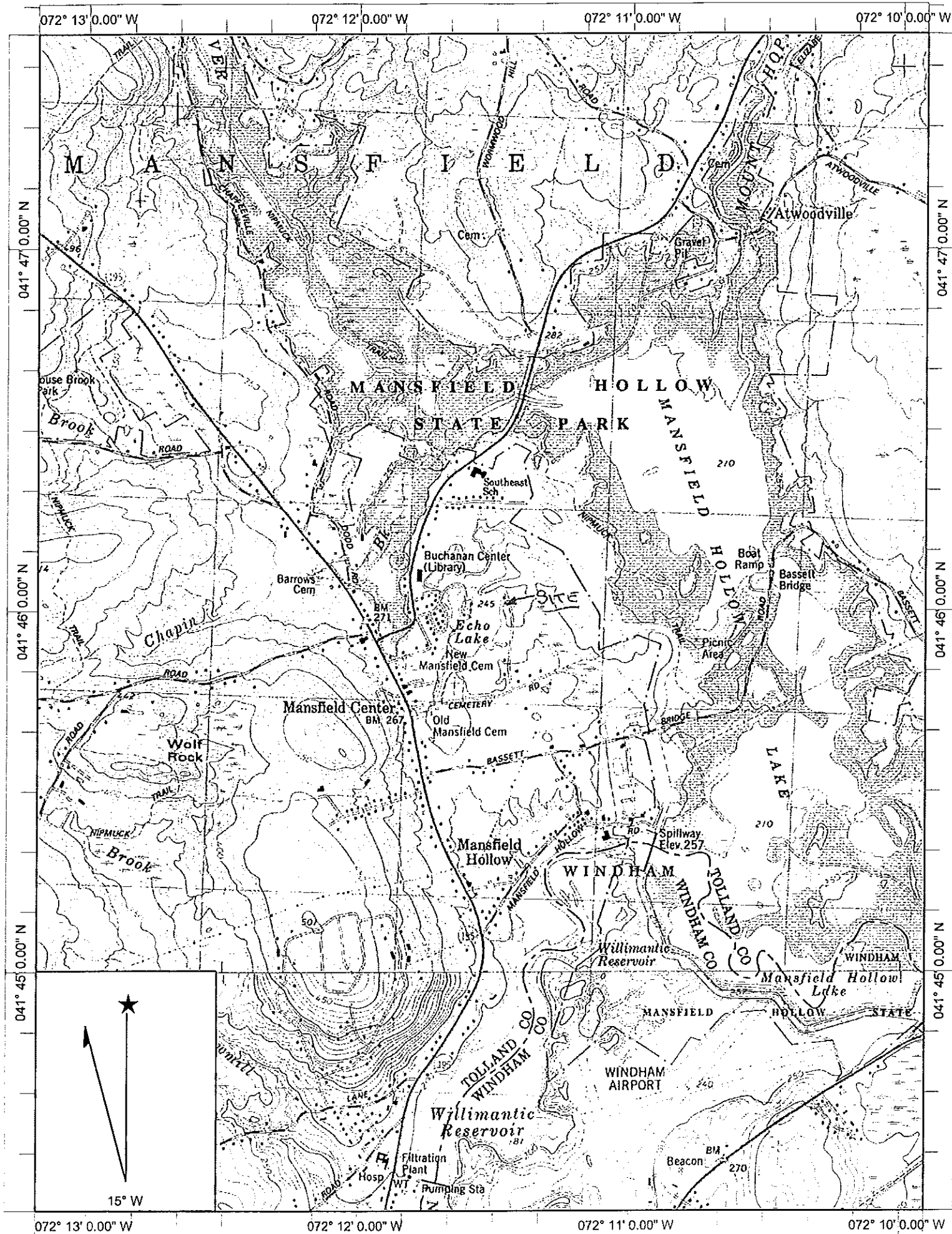
*Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.*

**The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.**

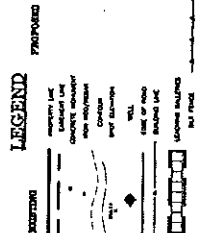
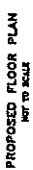
Robert A. Skelton  
Applicant's Signature

Date

11/14/12



**ENGINEERING & SURVEYING, LLC**  
132 CONANTVILLE ROAD  
MANFIELD CENTER, CT 06260  
TEL (860)484-1847 FAX (860)484-1848  
A/E/C NO. E18000



APPLICATION FOR PERMIT  
MANSFIELD INLAND WETLANDS AGENCY  
4 SOUTH EAGLEVILLE ROAD, STORRS, CT 06268  
TEL: 860-429-3334 OR 860-429-3330  
FAX: 860-429-6863

FOR OFFICE USE ONLY

File # W1509  
Fee Paid yes  
Date Received 11-28-12

Applicants are referred to the Mansfield Inland Wetlands and Watercourses Regulations for complete requirements, and are obligated to follow them. For assistance, please contact Grant Meitzler, Inland Wetlands Agent at the telephone numbers above.

Please print or type or use similar format for computer; attach additional pages as necessary.

Part A - Applicant

Name FISHER BUILDERS LLC.

Mailing Address 14 BRETON DRIVE

MANSFIELD, CONN.

Zip 06250

Telephone-Home 860-456-7884 Telephone-Business 860-428-4429

Title and Brief Description of Project

ADDITION to EXISTING 2-CAR Garage presently used as a  
Christmas Tree Shop for extra room for seasonal use

Location of Project 260 Coventry Rd.

Intended Start Date JAN. 15, 2013 weather permitting

Part B - Property Owner (if applicant is the owner, just write "same")

Name Kenneth AND Minda Cone

Mailing Address 260 Coventry Rd.

Mansfield Conn.

Zip 06250

Telephone-Home 860-423-5690 Telephone-Business 860-423-5690

Owner's written consent to the filing of this application, if owner is not the applicant:

Signature Kenneth Cone date 11/28/12

Applicant's interest in the land: (if other than owner) \_\_\_\_\_

**Part C - Project Description (attach extra pages, if necessary)**

- 1) Describe in detail the proposed activity here or on an attached page. (See guidelines at end of application – page 6.)

Please include a description of all activity or construction or disturbance:

- a) in the wetland/watercourse  
b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

30'x40' Addition to existing 2 CAR Garage. existing structure used seasonally as a Christmas Tree Shop with wreaths and decorations. Due to increased sales more room is necessary. This structure will be further from brook than present structure. This shop when completed will also remain a seasonal business. Plans for addition are included with application. As shown addition is a slab on grade with Frost walls at perimeter with no drains.

- 2) Describe the amount or area of disturbance (in square feet or cubic yards or acres):

- a) in the wetland/watercourse  
b) in the area adjacent to (within 150 feet from the edge of) the wetland/watercourse, even if wetland/watercourse is off your property

a) no work in wetlands  
b) combination post holes and frost walls - no cellar.

- 3) Describe the type of materials you are using for the project: Sand Fill under slab AND against cement frost wall on inside. Outside backfilled with existing materials

- a) include **type** of material used as fill or to be excavated  
b) include **volume** of material to be filled or excavated

16 yds. Sand Fill on Inside

- 4) Describe measures to be taken to minimize or avoid any adverse impacts on the wetlands and regulated areas (silt fence, staked hay bales or other Erosion and Sedimentation control measures).

Silt Fence to be erected AND maintained during construction between proposed addition AND brook; to remain until seeded and grass growing in spring

**Part D - Site Description**

Describe the general character of the land. (Hilly? Flat? Wooded? Well drained? etc.)

Sloped yard with ledge + outcroppings



## Part E - Alternatives

Have you considered any alternatives to your proposal that would meet your needs and might have less impact on the wetland/watercourse? Please list these alternatives.

This site selected to connect to existing allows an addition which would be smaller and less expensive than an entirely new structure in different location. Also a Heating Zone to garage is already in place and can be modified for Addition easily.

## Part F - Map/Site Plan (all applications)

- 1) Attach to the application a map or site plan showing existing conditions and the proposed project in relation to wetland/ watercourses. Scale of map or site plan should be 1" = 40'; if this is not possible, please indicate the scale that you are using. A sketch map may be sufficient for small, minor projects. (See guidelines at end of application – page 6.)
- 2) Applicant's map date and date of last revision 10/24/12
- 3) Zone Classification BAR-90?
- 4) Is your property in a flood zone?        Yes X No        Don't Know

## Part G - Major Applications Requiring Full Review and a Public Hearing

See Section 6 of the Mansfield Regulations for additional requirements.

## Part H - Notice to Abutting Property Owners

- 1) List the names and addresses of abutting property owners

Name	Address
1) MARSHALL GLADYS	31 Aspen Circle BARNEGAT N.J. 08005
2) SAMUELS Albert E. AND June M	268 Coventry Rd. Mansfield 06250
3) SAMUELS Albert E Jr. AND TERESA	276 Coventry Rd. Mansfield 06250
4) VINSONHALER Charles J AND Patricia G	205 Coventry Rd. Mansfield 06250
5) Connecticut State of Deep-Land Acquisition and MGMT	79 Elm St. Hartford 06106
6) LIVINGSTON Norman D AND Pamela B	176 Coventry Rd. Mansfield 06250

- 2) Written Notice to Abutters. You must notify abutting property owners by certified mail, return receipt requested, stating that a wetland application is in progress, and that abutters may contact the Mansfield Inland Wetlands Agent for more information. Include a brief description of your project. Postal receipts of your notice to abutters must accompany your application. (This is not needed for exemptions).

- 7) Du Fuliang AND XUE FEI 387 Technology Dr St 2116  
College PARK MD 20742
- 8) Clement Gerald Jr. 602 Stafford Rd. Storrs CT. 06268
- 9) Popeleski John L JR. AND SANDRA P. 206 Coventry Rd. 06250
- 10) Lussier CHARLES E. AND Elizabeth C 138 Fern Rd. Storrs 06268
- 11) CARDINAL Robert 120 Fern Rd. Storrs CT. 06268
- 12) Herminou:AR DAVID M. AND Charlene E 143 Fern Rd. Storrs 06268

**Part I - Additional Notices, if necessary**

*not required, outside watershed.*

- 1) Notice to Windham Water Works is attached. If this application is in the public watershed for the Windham Water Works (WWW), you must notify the WWW of your project within 7 days of sending the application to Mansfield--sending it by certified mail, return receipt requested. Contact the Mansfield Inland Wetlands Agent to find out if you are in this watershed.
- 2) Notice to Adjoining Town. If your property is within 500 feet of an adjoining town, you must also send a copy of the application, on the same day you sent one to Mansfield, to the Inland Wetlands Agency of the adjoining town, by certified mail, return receipt requested. *does not apply*
- 3) The Statewide Reporting Form (attached) shall be part of the application and specified parts must be completed and returned with this application.

**Part J - Other Impacts To Adjoining Towns, if applicable**

- 1) Will a significant portion of the traffic to the completed project on the site use streets within the adjoining municipality to enter or exit the site? ☒ Yes ☐ No ☐ Don't Know
- 2) Will sewer or water drainage from the project site flow through and impact the sewage or drainage system within the adjoining municipality? ☐ Yes ☒ No ☐ Don't Know
- 3) Will water run-off from the improved site impact streets or other municipal or private property within the adjoining municipality? ☐ Yes ☒ No ☐ Don't Know

**Part K - Additional Information from the Applicant**

Set forth (or attach) any other information which would assist the Agency in evaluating your application. *(Please provide extra copies of any lengthy documents or reports, and extra copies of maps larger than 8.5" x 11", which are not easily copied.)*

**Part L - Filing Fee**

Submit the appropriate filing fee. (Consult Wetlands Agent for the fee schedule available in the Mansfield Inland Wetlands and Watercourses Regulations.)

*184* ☐ \$1,000. ☐ \$750. ☐ \$500. ☐ \$250. ☐ \$125. ☐ \$100. ☐ \$50. ☐ \$25.

☐ \$60 State DEP Fee

*Note: The Agency may require you to provide additional information about the regulated area which is the subject of the application, or about wetlands or watercourses affected by the regulated activity. If the Agency, upon review of your application, finds the activity proposed may involve a "significant activity" as defined in the Regulations, additional information and/or a public hearing may be required.*

**The undersigned applicant hereby consents to necessary and proper inspections of the above mentioned property by members and agents of the Inland Wetlands Agency, at reasonable times, both before and after the permit in question has been granted by the Agency.**

*[Signature]*

Applicant's Signature

*11/28/12*

Date

10/25/12

TO RT 32

FERN RD

SOLTESZ

SOLTESZ

COVENTRY RD

BROOK

BROOK

SAMUELS

CONE

CONE

260 COVENTRY RD

150'

GARAGE

House

ADDITION

PROPERTY LINE

Proposed 30'x40' ADDITION To  
Existing 2-CAR GARAGE  
ADDITION TO BROOK 90'  
ADDITION SHOWN SHADED  
CONE

# **FISHER BUILDERS LLC**

*Fine Building Since 1971*

---

14 Britony Drive, Mansfield Center, CT 06250

Phone and Fax 860 456-7884

Email [gfisher456@gmail.com](mailto:gfisher456@gmail.com)

November 28, 2012

Re: Proposed Addition – 260 Coventry Road, Mansfield, CT

Dear Property Owner:

This letter is to inform you of an application being made by Fisher Builders LLC of Mansfield on behalf of Kenneth and Minda Cone of 260 Coventry Road, Mansfield for an addition to their existing Christmas Tree Shop. The addition proposed will be 30'X40'; to be on back side of existing 2-car garage (Christmas Tree Shop) and attached. This addition will be approximately 90' from the brook at the front of property.

If you have any comments or concerns the Town of Mansfield will have their meeting concerning this matter on January 7<sup>th</sup>, 2013 at 7:00 PM at the Town Office Building, 4 South Eagleville Road, Storrs, CT. This letter is being sent to all abutting property owners. Also, you can contact the Mansfield Inland Wetlands Agent for more information at 860-429-3334.

Thank you,



Tom Fisher

Member, Fisher builders LLC

## Jessie Neborsky

---

**Subject:** UConn's status not being a water company land  
**Attachments:** SB1094.doc; SB1208.doc

Dear Mr. Kessel and Mansfield Conservation Commission Members:

My letter to Senator Williams (below) sums what I want. I am hoping that the commission supports my letter and urges the town takes action to urge the legislature to pass SB 1094 (2003) or a similar bill. I believe that, only after that, the town of Mansfield will be shielded against UConn's unilateral decision making in developing land use thus forcing Mansfield to accommodate never ending demands on the town.

Tulay Luciano  
808 Warrenville Road  
Mansfield Center, CT 06250  
860.429.6612

----- Forwarded Message -----

**From:** tulay luciano  
**To:** Senator Don Williams <[williams@senatedems.ct.gov](mailto:williams@senatedems.ct.gov)>  
**Sent:** Wednesday, December 5, 2012 12:01 AM  
**Subject:** UConn's status not being a water company land

December 4, 2012

Dear Senator Williams:

Congratulations for your reelection. I wish you another happy and successful legislative period.

I am urging you to bring back SB 1094 (2003) to Connecticut General Assembly to be passed promptly.

As you might remember under your leadership the bills SB 1094 and SB 1208, got a favorable report from the Committee on Environment and supported by major environmental groups such as Rivers Alliance of Connecticut and Connecticut Fund for the Environment (CFE) but they were shelved by the Committee on Higher Education and Employment Advancement. But it does not mean that they should not be tried again. (The texts of the bills SB 1094 AN ACT CONCERNING WATER QUALITY AND THE UNIVERSITY OF CONNECTICUT and SB 1208 AN ACT CONCERNING PUBLIC WATER COMPANY LANDS are attached.)

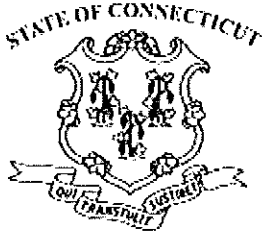
I think you are aware that Univ. of Conn. may divest itself of its off-campus water service. As a result, there will be a water company in Storrs and we urgently need a bill that "makes the University of Connecticut (UConn) at Storrs a water company, restricting its ability to develop watershed land and making it subject to other laws affecting water companies." (From: Summary, SB 1094) BEFORE all the history-changing decisions are made. Not after!

Here I am quoting the testimony of then Attorney General Blumenthal for the bill SB 1208 AN ACT CONCERNING PUBLIC WATER COMPANY LANDS before the Environment Committee Hearing because, his testimony sums up the reality: "... land owned by the State ought to be subject to the same kinds of regulation when it is watershed land, when it is open space, when it is of value in terms of conservation and preservation as private water company land would be.  
.... The vast majority, if not all, of its [Univ. of Conn.] land is watershed land. And I think that there needs to be some adjustment in the bill for that fact and, also, its express and demonstrated desire to be sensitive to the environmental needs raised by that ownership and stewardship of many acres of open space."

It is very disappointing that as public teaching institution Univ. of Conn opposed SB1094 and SB1208 which would establish protections to preserve its watershed property thus missing the opportunity to be a role model.

As the years have gone by Univ. of Conn has not fulfilled its promises in regards to moving the hazmat site from Fenton Rivershed, and it is constantly acting outside of the water company statutes. Now that it is trying to fast track the seizing of water supplies from other towns, WE MUST HAVE LAWS THAT ARE FOLLOWED EVERYWHERE ELSE IN THE STATE FOLLOWED IN STORRS!!

Respectfully,  
Tulay Luciano  
808 Warrenville Road  
Mansfield Center, CT 06250  
860.429.6612  
cc.  
Rep. Haddad  
Rep Johnson  
Rep. Orange  
Attorney General Jepsen  
Environment Committee  
Higher Ed. & Employment Advancement Com.  
Planning and Development Com.  
Public Health Com.  
Mansfield Town Council  
Mansfield Conservation Commission  
Windham Conservation Commission  
The Chronicle  
Hartford Courant  
Mansfield Independent News  
Norwich Bulletin  
Manchester Journal Inquirer  
Conn. River Alliance  
Willimantic River Alliance  
Connecticut Fund for the Environment (CFE)  
DEEP



General Assembly

## ***Substitute Bill No. 1208***

*January Session,  
2001*

### ***AN ACT CONCERNING PUBLIC WATER COMPANY LANDS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 25-32a of the general statutes is repealed and the following is substituted in lieu thereof:

As used in sections 25-32, 25-33 and 25-34, "consumer" means any private dwelling, hotel, motel, boardinghouse, apartment, store, office building, institution, mechanical or manufacturing establishment or other place of business or industry to which water is supplied by a water company; "water company" means any individual, partnership, association, corporation, municipality, The University of Connecticut for the purpose of sections 22a-354c, 22a-357, 25-32b, 25-32d and 25-37c, or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system that supplies water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or controls eighty per cent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purposes of this definition.

Sec. 2. Section 25-37c of the general statutes is repealed and the following is substituted in lieu thereof:

The Department of Public Health shall adopt, in accordance with chapter 54, regulations establishing criteria and performance standards for three classes of water-company-owned land.

[(a)] (1) Class I land includes all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is either: [(1)] (A) Within two hundred and fifty feet of high water of a reservoir or one hundred feet of all watercourses as defined in agency regulations adopted pursuant to this section; [(2)] (B) within the areas along watercourses which are covered by any of the critical components of a stream belt; [(3)] (C) land with slopes fifteen per cent or greater without significant interception by wetlands, swales and natural depressions between the slopes and the watercourses; [(4)] (D) within two hundred feet of groundwater wells; [(5)] (E) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or [(6)] (F) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States Soil Conservation Service that are contiguous to land described in [subdivision (3) or (4) of this subsection] subparagraph (C) or (D) of this subdivision and that extend to the top of the slope above the receiving watercourse.

[(b)] (2) Class II land includes (A) all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is either [(1)] (i) on a public drinking supply watershed which is not included in class I, or [(2)] (ii) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir and (B) notwithstanding any other provisions of the general statutes, for lands owed by The University of Connecticut, (i) all level A aquifer protection lands that are mapped, approved and regulated pursuant to chapter 446i of the general statutes that are on a public drinking supply watershed that is not a class I land, or (ii) all land that is completely off public drinking supply watersheds and that is within one hundred and



fifty feet from a distribution reservoir or first-order stream tributary to a distribution reservoir.

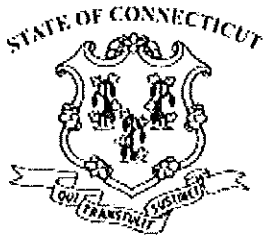
[(c)] (3) Class III land includes (A) all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is unimproved land off public drinking supply watersheds and beyond one hundred and fifty feet from a distribution reservoir or first-order stream tributary to a distribution reservoir, and (B) notwithstanding any provision of the general statutes, for lands owned by The University of Connecticut, (i) unimproved land off public drinking water supply watersheds and beyond one hundred and fifty feet from a distribution reservoir or first-order stream tributary to a distribution reservoir, and (ii) any land that is neither class I nor class II land.

Sec. 3. Subsection (b) of section 25-32 of the general statutes is repealed and the following is substituted in lieu thereof:

(b) No water company shall sell, lease, assign or otherwise dispose of or change the use of any watershed lands, except as provided in section 25-43c, without a written permit from the Commissioner of Public Health. The commissioner shall not grant a permit for the sale, lease or assignment of class I land, except as provided in subsection (d) of this section, and shall not grant a permit for a change in use of class I land unless the applicant demonstrates that such change will not have a significant adverse impact upon the present and future purity and adequacy of the public drinking water supply and is consistent with any water supply plan filed and approved pursuant to section 25-32d. The commissioner may reclassify class I land only upon determination that such land no longer meets the criteria established by [subsection (a)] subdivision (1) of section 25-37c, as amended by this act, because of abandonment of a water supply source or a physical change in the watershed boundary. Not more than fifteen days before filing an application for a permit under this section, the applicant shall provide notice of such intent, by certified mail, return receipt requested, to the chief executive officer and the chief elected official of each municipality in which the land is situated.

***PH***

***Joint Favorable***



General Assembly

January Session,  
2003

**File No. 455**

Senate Bill No. 1094

*Senate, April 17, 2003*

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING WATER QUALITY AND THE  
UNIVERSITY OF CONNECTICUT.***

Be it enacted by the Senate and House of Representatives in  
General Assembly convened:

Section 1. Section 25-32a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

As used in this section, sections 25-32, 25-32b to 25-32m, inclusive, as amended by this act, 25-33 and 25-34, "consumer" means any private dwelling, hotel, motel, boardinghouse, apartment, store, office building, institution, mechanical or manufacturing establishment or other place of business or industry to which water is supplied by a water company; "water company" means any individual, partnership, association, corporation, municipality, The University of Connecticut at Storrs, or other entity, or the lessee thereof, who or which owns, maintains, operates, manages, controls or employs any pond, lake, reservoir, well, stream or distributing plant or system that supplies water to two or more consumers or to twenty-five or more persons on a regular basis provided if any individual, partnership, association, corporation, municipality or other entity or lessee owns or

controls eighty per cent of the equity value of more than one such system or company, the number of consumers or persons supplied by all such systems so controlled shall be considered as owned by one company for the purposes of this definition.

Sec. 2. Subsection (a) of section 25-32d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) Each water company [, as defined in section 25-32a, and] supplying water to one thousand or more persons or two hundred fifty or more consumers and any other water company [as defined in said section] requested by the Commissioner of Public Health shall submit a water supply plan to the Commissioner of Public Health for approval with the concurrence of the Commissioner of Environmental Protection. The concurrence of the Public Utilities Control Authority shall be required for approval of a plan submitted by a water company regulated by the authority. The Commissioner of Public Health shall consider the comments of the Public Utilities Control Authority on any plan which may impact any water company regulated by the authority. The Commissioner of Public Health shall distribute a copy of the plan to the Commissioner of Environmental Protection and the Public Utilities Control Authority. A copy of the plan shall be sent to the Secretary of the Office of Policy and Management for information and comment. A plan shall be revised at such time as the water company filing the plan or the Commissioner of Public Health determines or at intervals of not less than three years nor more than five years after the date of initial approval.

Sec. 3. Subsection (a) of section 25-32k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) Each water company [, as defined in section 25-32a,] serving one thousand or more persons or two hundred fifty or more consumers [, as defined in section 25-32a,] shall, annually, provide to residential customers, without charge, educational materials or

information on (1) water conservation, (2) water supply source protection methods, including methods to reduce contamination, and (3) on or before July 1, 2002, and annually thereafter, information developed by the Commissioner of Public Health, pursuant to subsection (b) of this section, on the health effects and sources of lead and copper. Every year each public water company shall provide a copy of these educational materials to the Commissioner of Public Health.

Sec. 4. Subsection (a) of section 25-32m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) Any water company [, as defined in section 25-32a,] may engage in the sale of bottled water or establish an entity under chapter 601 for the purpose of engaging in the sale of bottled water within or outside of its franchise area. The costs and expenses of a water company associated with the sale of bottled water shall be exclusive of the costs and expenses associated with the establishment of rates and charges for the use of the waterworks system pursuant to section 7-239.

Sec. 5. Section 22a-354c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(a) On or before July 1, 1990, each public or private water company serving one thousand or more persons, and The University of Connecticut at Storrs, shall map at level B all areas of contribution and recharge areas for its existing wells located in stratified drift aquifers. Not later than three years after the adoption by the Commissioner of Environmental Protection of a model municipal aquifer protection ordinance under section 22a-354l, each public and private water company serving ten thousand or more persons shall map at level A all areas of contribution and recharge areas for its existing wells located in stratified drift aquifers. The Commissioner of Environmental Protection may map at level A and at level B all areas of contribution and recharge areas for existing wells located in

stratified drift aquifers that are used by any public or private water company serving less than one thousand persons.

(b) Each public or private water company serving ten thousand or more persons, and The University of Connecticut at Storrs, shall map all areas of contribution and recharge areas for potential wells that are located within stratified drift aquifers identified as future sources of water supply to meet their needs in accordance with the plan submitted pursuant to section 25-33h, (1) at level B two years after approval of such plan, and (2) at level A four years after approval of such plan. The Commissioner of Environmental Protection shall identify and make recommendations for mapping, or shall map, all remaining significant areas of contribution and recharge areas for potential wells located in stratified drift aquifers not identified by a public or private water company as a potential source of water supply within the region of an approved plan. Mapping of any other area of contribution and recharge areas for potential wells located in stratified drift aquifers by the commissioner shall be completed at a time determined by the commissioner.

Sec. 6. Section 25-37c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

The Department of Public Health shall adopt, in accordance with chapter 54, regulations establishing criteria and performance standards for the three following classes of water-company-owned land: [.]

[(a)] (1) Class I land includes all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is either: [(1)] (A) Within two hundred and fifty feet of high water of a reservoir or one hundred feet of all watercourses as defined in agency regulations adopted pursuant to this section; [(2)] (B) within the areas along watercourses which are covered by any of the critical components of a stream belt; [(3)] (C) land with slopes fifteen per cent or greater without significant interception by wetlands, swales and natural

depressions between the slopes and the watercourses; [(4)] (D) within two hundred feet of groundwater wells; [(5)] (E) an identified direct recharge area or outcrop of aquifer now in use or available for future use, or [(6)] (F) an area with shallow depth to bedrock, twenty inches or less, or poorly drained or very poorly drained soils as defined by the United States Soil Conservation Service that are contiguous to land described in [subdivision (3) or (4) of this subsection] subparagraph (C) or (D) of this subdivision and that extend to the top of the slope above the receiving watercourse.

[(b)] (2) Class II land includes (A) all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is either [(1)] (i) on a public drinking supply watershed which is not included in class I, or [(2)] (ii) completely off a public drinking supply watershed and which is within one hundred and fifty feet of a distribution reservoir or a first-order stream tributary to a distribution reservoir, and (B) notwithstanding any provisions of the general statutes, for lands owned by The University of Connecticut, (i) all level A aquifer protection lands that are mapped, approved and regulated pursuant to chapter 446i that are within a public drinking supply watershed that is not a class I land, or (ii) all land that is completely outside public drinking supply watersheds and that is within one hundred fifty feet from a distribution reservoir or first-order stream tributary to a distribution reservoir.

[(c)] (3) Class III land includes (A) all land owned by a water company or acquired from a water company through foreclosure or other involuntary transfer of ownership or control which is unimproved land off public drinking supply watersheds and beyond one hundred and fifty feet from a distribution reservoir or first-order stream tributary to a distribution reservoir, and (B) notwithstanding any provision of the general statutes, for lands owned by The University of Connecticut, (i) unimproved land outside public drinking water supply watersheds and beyond one hundred and fifty feet from a distribution reservoir or first-order

stream tributary to a distribution reservoir, and (ii) any land that is neither class I nor class II land.

Sec. 7. Subsection (b) of section 25-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2003*):

(b) No water company shall sell, lease, assign or otherwise dispose of or change the use of any watershed lands, except as provided in section 25-43c, without a written permit from the Commissioner of Public Health. The commissioner shall not grant a permit for the sale, lease or assignment of class I land, except as provided in subsection (d) of this section, and shall not grant a permit for a change in use of class I land unless the applicant demonstrates that such change will not have a significant adverse impact upon the present and future purity and adequacy of the public drinking water supply and is consistent with any water supply plan filed and approved pursuant to section 25-32d. The commissioner may reclassify class I land only upon determination that such land no longer meets the criteria established by [subsection (a)] subdivision (1) of section 25-37c, as amended by this act, because of abandonment of a water supply source or a physical change in the watershed boundary. Not more than fifteen days before filing an application for a permit under this section, the applicant shall provide notice of such intent, by certified mail, return receipt requested, to the chief executive officer and the chief elected official of each municipality in which the land is situated.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>



Sec. 6	October 1, 2003
Sec. 7	October 1, 2003

**ENV**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Type	FY 04 \$	FY 05 \$
UConn	GF - Cost	\$100,000	\$100,000
Public Health, Dept.	GF - None	None	None
Department of Environmental Protection	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

This bill results in a cost of approximately \$20,000 to the University of Connecticut (UConn) as it requires them to perform duties above and beyond those currently required of them in the administration of the water supply located at the UConn. These costs involve the creation, printing, and dissemination of free educational materials regarding water conservation, water source protection methods and other water supply related information to its customers, which includes all 23,000 resident students of the university. The funding for this cost is not included in the FY 04 or FY 05 budgets as recommended by the governor.

There is no anticipated fiscal impact upon the Department of Public Health or the Department of Environmental Protection due

to this bill as they already have staff in place that administer the provisions contained within the bill.

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## **OLR Bill Analysis**

SB 1094

### ***AN ACT CONCERNING WATER QUALITY AND THE UNIVERSITY OF CONNECTICUT***

#### **SUMMARY:**

This bill makes the University of Connecticut (UConn) at Storrs a water company, restricting its ability to develop watershed land and making it subject to other laws affecting water companies.

Among other things, UConn must map its well fields by July 1, 1990 — a deadline that has already passed.

EFFECTIVE DATE: October 1, 2003

#### **WATER COMPANY LAND**

By law a water company is an individual, partnership, association, corporation, municipality or other entity, aside from state agencies, that supplies water from a water supply it owns, controls, or manages, to two or more premises or more than 25 individuals. Water company lands falls into three classes, and are subject to Department of Public Health (DPH) regulation. The bill makes UConn a water company and subjects its lands to those restrictions.

Class I land, within 250 feet of a reservoir, is the most highly protected land and is subject to the most regulation. Class II and class III land is less restricted. A DPH permit is needed to sell, lease or otherwise dispose of, or change the use of, class I or class II land. A permit is also required, with minor exceptions, to

change the use of such land. A water company does not need a permit to sell or transfer class III land (off watershed).

The bill makes UConn land class II and class III land, but does not appear to classify any UConn land as class I land. By law, class II land is land that is either on a public drinking supply watershed that is not included in class I, or completely off a watershed but within 150 feet of a reservoir. The bill specifically includes as UConn's class II land property the university owns, including (1) all level A aquifer protection land that is mapped, approved and regulated according to law and is within a public drinking water supply that is not a class I land; and (2) land completely outside public drinking supply watersheds that is within 150 feet of a reservoir or first-order stream tributary.

By law, class III land includes all unimproved land off watersheds and more than 150 feet from a reservoir or a stream that feeds it. The bill specifically includes as UConn's class III land all land the university owns that is (1) unimproved land outside public drinking water supply watersheds and more than 150 feet from a reservoir or first-order stream tributary and (2) neither class I nor class II land.

## **OTHER APPLICABLE WATER UTILITY LAWS**

By law, utilities that serve 1,000 or more people must map the areas that contribute to and recharge wells in stratified drift aquifers. Additional requirements apply to utilities serving more than 10,000 people.

The bill requires UConn to map its well fields. By July 1, 1990, it must map all areas that contribute to and recharge wells in stratified drift aquifers. It requires UConn to map for potential wells it identifies as future water sources according to the coordinated water system plan prepared for its public water supply management area.

The bill requires UConn to submit a water supply plan to DEP for its approval with DEP's concurrence. The plan must evaluate the

water supply needs in the area UConn serves and is subject to DPH regulations. If a utility (including UConn under the bill) submits a plan that involves the forecast of or actual land sales, abandonment or a supply source, or reclassification of its land, it must the notify the local municipality and various land conservation organizations. The plan must be revised when the university or the health commissioner determines, or every three to five years.

The bill requires the university annually to provide residential customers free educational material on (1) water conservation, (2) water supply source protection methods, including ways to reduce contamination, and (3) information developed by DPH on the health effects and sources of lead and copper. It must annually provide the health commissioner with copies of these materials.

It permits the university to sell bottled water, the costs and expenses for which must be kept separate from the water rates charged customers.

The bill subjects UConn to the law governing water supply emergencies. By law, the DPH commissioner, in consultation with the environmental protection commissioner and the department of public utility commissioners, can declare such an emergency. The DPH commissioner can order water companies, including UConn under the bill, to connect their water mains temporarily to permit the sale or transfer of water. By law, a violation of these orders is subject to a civil fine of up to \$5,000 a day, with each day considered a separate violation.

It also subjects the university to civil penalties for violating certain drinking laws and regulations and DPH orders to discontinue or correct immediate threats to the public water supply.

## **BACKGROUND**

### ***Attorney General's Opinion on DPH Regulation of UConn lands***

In response to a UConn request, the attorney general held on November 29, 2000, that statutes including those governing water companies, do not apply to state agencies unless they are specifically included in them. He held that while some statutes, notably those regulating drinking water quality, refer and apply to state agencies, UConn and other agencies are not subject to the laws restricting land transactions.

### ***UConn's Water Supply***

According to the university, its water supply system serves 23,000 users, about 90% of whom are from the university. It also serves the Mansfield Town Hall, E.O. Smith High School, a state prison, and about 15 commercial and more than 100 residential users.

### ***Restrictions on Class I and Class II Land***

A water company cannot assign or lease class I land, and can only sell it to the state, a municipality, or another water company. The buyer must agree to maintain the land subject to the restrictions in the law and those imposed by the DPH permit. The buyer cannot sell, lease, assign, or change the use of the land without a permit.

In addition, the utility can only change the land's use if it demonstrates that the change (1) will not harm the purity and adequacy of water supply, now or in the future, and (2) is consistent with a DPH- approved water supply plan filed by the utility. If DPH believes the proposal may significantly harm water supply, it may refer the application to an outside consultant for a detailed review, at the utility's expenses.

Somewhat less restrictive provisions apply to class II land. DPH cannot grant a permit for a transaction involving class II land or a change of its use unless the utility demonstrates that its proposal will not significantly harm the purity and adequacy of water supply and that any use restriction DPH imposes can be enforced against subsequent owners, lessees, and assignees. In considering the impact on water supply, DPH is not bound by its precedent.

In the case of the sale, lease, or transfer of land, DPH can only grant a permit if (1) the class II land is part of a larger parcel that includes class III land and (2) there are use restrictions that will prevent the class II land from being developed. In cases involving transactions with another water utility, municipality, or a land conservation organization, DPH can only grant a permit if there is a permanent conservation easement on the land. The easement must preserve the land in perpetuity, with most of it remaining in its natural condition. The easement must protect natural resources and water supply, while allowing for appropriate recreational uses and the development of improvements needed to provide for or protect water supply. The land cannot be developed for residential, commercial, or industrial purposes, or for specified recreational purposes such as golf courses. This last condition does not apply to class II land needed to provide access to class III land that is part of a sale. It appears that this exception applies only if the land is sold to an entity other than a water utility, municipality, or a land conservation organization.

In approving class II land transactions, DPH can subject the permit to conditions or restrictions it considers necessary to safeguard water supply. In doing so, DPH must consider the potential the proposal has for contaminating the water supply, the disturbance of vegetation, the utility's future ability to control the land through devices such as easements or use restrictions, and several other factors

DPH also can reclassify Class I or II land if it determines that the land no longer meets the statutory criteria because of the abandonment of a water supply source or a physical change in the watershed boundary.

## **COMMITTEE ACTION**

Environment Committee

Joint Favorable Report

Yea 22    Nay 5

**Mansfield Open Space Preservation Committee**  
**DRAFT Minutes of November 27, 2012 special meeting**

Members present: Jim Morrow (chair), Michael Soares, Ken Feathers, Vicky Wetherell, Quentin Kessel, Jennifer Kaufman (staff). Guest: Tom Boyle, Dan Donahue.

1. Meeting was called to order at 7:30.
2. Vicky was appointed acting secretary.
3. Minutes of the October 16, 2012 meeting were approved.

**Old Business**

4. *Beacon Hill Estates Section II* The committee reviewed the Beacon Hill Estates Section II Preliminary Plan (October 17, 2012) with developer Tom Boyle. The committee recommended some changes to the maps. The OSPC goals for this subdivision are Town ownership of areas along the proposed trail route wherever possible, and conservation easements on areas that would not have public access. OSPC comments for the public hearing on January 7 will be available after the committee's December 18 meeting.

5. *Easements* The committee discussed with Dan Donahue potential ways to work with Joshua's Trust.

6. Meeting adjourned at 9:40.

PAGE  
BREAK



MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, November 5, 2012  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, B. Ryan  
Alternates present: A. Marcellino, V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:12 p.m., appointing Marcellino to act if a member was disqualified if needed.

Holt MOVED, Ryan seconded, to add to the agenda under New Business, discussion of the HUD Grant.

MOTION PASSED UNANIMOUSLY.

**Minutes:**

10-15-12 Meeting Minutes- Chandy MOVED, Hall seconded, to approve the 10/15/12 meeting minutes as written. MOTION PASSED UNANIMOUSLY. Holt, Plante and Pociask noted that they listened to the recording of the 10-15-12 meeting.

**Zoning Agent's Report:** Noted.

**Public Hearings:**

**Live Music Permit Renewals**

Chairman Goodwin opened the Public Hearing at 7:14 p.m. Members present were J. Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, B. Ryan, and alternates A. Marcellino, V. Ward, S. Westa, none of whom were seated. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 10-23-12 and 10-31-12 and noted the following communications received and distributed to the Commission members: a 10-26-12 report from Curt Hirsch, Zoning Agent.

Hirsch noted no complaints have been received regarding any of these establishments. Chairman Goodwin noted no questions or comments from the public or the Commission. Holt MOVED, Rawn seconded, to close the Public Hearing at 7:16 p.m. MOTION PASSED UNANIMOUSLY.

**New Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**

Chairman Goodwin opened the continued Public Hearing at 7:17 p.m. Members present were J. Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, B. Ryan, and alternates A. Marcellino, V. Ward, S. Westa, none of whom were seated. Linda Painter, Director of Planning and Development, noted the following communications received and distributed to the Commission members: 11-1-12 memo from Linda Painter, Director of Planning and Development; and 10-23-12 comments from Open Space Preservation Committee.

Patrick Lafayette, the project engineer from Development Solutions, briefly reviewed existing and probable revisions to plans based on comments from staff. He noted that actual revisions will be made and submitted to staff prior to the next meeting, to be presented at the next meeting.

Chairman Goodwin then asked for comments from the public.

Ray Haddad, 129 Conantville Road, expressed concern with traffic safety.

Tom Peters, 27 Michelle Lane, wondered why his neighbors were notified and he was not. Painter explained that his property was located just outside the 500' notification boundary. He later submitted a letter in opposition and expressed concern for the safety of cyclists and pedestrians, stating that he was struck by a car on this road while bicycling.

Scott Ripley, 64 Meadowbrook Lane, expressed concern with pedestrian safety, noting there are over 35 houses in the area, most of which have children.

Jessica Higham, 14 Adeline Place, who is moving to 97 Meadowbrook Lane, submitted a letter of opposition and requested that the Commission deny the application. She stated that she may not have purchased the abutting property if she had known about the proposal, and that Mansfield does not need any more apartments. She expressed concern for the increase in traffic and safety for pedestrians and cyclists.

William and Sarah Kaufold, 7 Michelle Lane, submitted a letter of opposition for the record.

Marianne Barton and David Henry, 8 Adeline Place, submitted a letter of opposition for the record, emphasizing the concern for the increase in traffic and safety on the roads surrounding the area. They feel the proposal will threaten the health and safety of the residents.

Karen, Tony, Jack and Megan Molloy, 18 Adeline Place, submitted a letter of opposition, noting the safety of pedestrians on the road is a great concern because there is no shoulder or sidewalk. They also noted how difficult and dangerous the intersection of 195 and Conantville Road is for those entering or exiting this intersection.

Chairman Goodwin noted no further comments or questions from the public or Commission. At 7:46 p.m. Plante MOVED, Holt seconded, to continue the Public Hearing until 11-19-12. MOTION PASSED UNANIMOUSLY.

**New Special Permit Application, Assembly/Banquet Hall and associated uses, 476 Storrs Road; Healey, owner/applicant: PZC File #1312**

Chairman Goodwin opened the continued Public Hearing at 7:50 p.m. Members present were J. Goodwin, B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, B. Ryan, and alternates A. Marcellino, V. Ward, S. Westa, none of whom were seated. Linda Painter, Director of Planning and Development, read a revised legal notice that appeared in The Chronicle on 10-23-12 and 10-31-12 and noted the following communications received and distributed to the Commission members: 11-1-12 memo from Linda Painter, Director of Planning and Development; 11-1-12 letter of extension from applicant to allow continuation of the public hearing past November 5, 2012 (30 day extension granted via email on November 1, 2012); 10-17-12 email from Michael Soares; 11-1-12 letter from Fiona Leek, 11 Echo Road; 10-19-12 email from Anne Crouse, 502 Storrs Road, Apt 1; 10-16-12 letter from A. Kardestuncer; 10-31-12 letter from Eric Grove, 72 Cemetery Road; 11-5-12 dated letter (submitted on 11/1/12) from Bill Petix, with attachments; Noise study titled "Estimated Sound Level Determinations" prepared by Fuss & O'Neill and dated October 25, 2012; Event rental and operating policy; Summary of Changes to the application dated November 1, 2012; Revised Statement of Use dated October 25, 2012; Revised plans dated October 25, 2012, including revised elevations, section and floor plan for the barn; Elevations of proposed addition to house (front, rear and north side) dated October 25, 2012; Attendant parking plan dated October 25, 2012; Letter of support from Representative Tim Ackert; Letters of support for a 2011 barn grant application.

Michael Healey, applicant, reviewed his changes to the plans and noted the reports listed above, submitted as part of the record. He noted that the Zlotnick Family and the owner of HST have both verbally agreed to allow their properties to be used for overflow parking. Healey added that he would primarily use those properties for employee and event staff parking.

After a lengthy presentation, members posed questions to the applicant that included: how he arrived at the figures for the pie chart submitted as an illustration of uses for the property; consideration to eliminating the outside deck to control noise; the effect that noise will have on the residents of Echo Road due to the topography that causes those residents to hear noise from such a far distance.

The Chairman asked for comments from the public.

Bill Petix, Echo Road, clarifying a comment made by the applicant, to wit, the music they hear from Mansfield Hollow Dam during events is during the day and not at 9 p.m.

Julia Sherman, Pinewood Lane, is concerned about noise and outside ceremonies. She noted that all the "conditions" that will be necessary for approval would require a Town employee to monitor them. She also feels that overflow parking is not an appropriate use of Town Open Space, and this is not the right location for a wedding-venue use.

Jennifer Oliver, Echo Road, stated that this application is just too complicated because it doesn't "fit" in this area. She fears staff won't be able to control the behavior of people who typically attend weddings and that extra law enforcement would be needed. She stated that law officials in Town are already overburdened.

Michael Bryse, Candide Lane, expressed support for the application, noting that there is no good place to hold training sessions and seminars locally. He feels this will help local business and will attract people to them.

Chairman Goodwin noted no further comments or questions from the public or Commission. At 9:45 p.m. Plante MOVED, Hall seconded, to continue the Public Hearing until 11-19-12. MOTION PASSED UNANIMOUSLY.

### Old Business:

**a. Live Music Permit Renewals**

Hall MOVED, Holt seconded, that the Commission approve the Live Music Permit renewals through November 1, 2013 for the following restaurants: Huskies Restaurant, file # 780-2; Pub 32, file # 595; and Ted's Restaurant, file # 1107. These renewals are conditioned upon compliance with the current mandated conditions for each, which shall be attached to this motion. MOTION PASSED UNANIMOUSLY.

**b. Application to Amend the Mansfield Zoning Map-Storrs Center Special Design District/Master Plan, Storrs Center Alliance, LLC, owner/applicant: PZC File #1246-10**

After discussion, most of which concerned the 24 hours of operation that was proposed for the store, Rawn volunteered to work with staff on a denial motion and Holt volunteered to work with staff on an approval motion for the next meeting.

**c. New Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**

Item tabled, pending continued Public Hearing.

**d. New Special Permit Application, Assembly/Banquet Hall and associated uses, 476 Storrs Road; Healey, owner/applicant: PZC File #1312**

Item tabled, pending continued Public Hearing.

**e. Special Permit Application, Seasonal Aerial Forest Ropes Course, west of Baxter Road on Storrs Road; Kueffner/Stoddard, owner/applicant: PZC File #1313**

Item tabled pending Public Hearing on 11/19/12.

**f. Draft Revisions to Zoning Regulations**

Item tabled pending Public Hearing on 11/19/12.

**New Business:**

**a. Status Determination: Shifrin, Mansfield Hollow Hydro Project, PZC File #1243**

After discussion, the consensus of the PZC was to concur with the Zoning Agent's opinion as stated in his memo of 11-1-12. Work at the mill did commence in conformance with the PZC's 5/5/10 modification approval, therefore no further PZC action is needed.

**b. New Subdivision Application, Beacon Hill Estates, Section II, Mansfield City Road, west of Beacon Hill Road; Eagleville Development Group, LLC, applicant: PZC File #1214-3**

Holt MOVED, Ryan seconded, to receive the subdivision application (file # 1214-3) submitted by Eagleville Development Group, LLC for a 17-lot subdivision, on property located on the south side of Mansfield City Road, west of Beacon Hill Drive as shown on plans dated 07/15/12, and as described in other application submissions, and to refer said application to the staff, Conservation Commission, and Open Space Preservation Committee for review and comments and to set a public hearing for January 7, 2012. MOTION PASSED UNANIMOUSLY.

**c. 2013 Draft Meeting Schedule**

Holt MOVED, Hall seconded, that the Planning & Zoning Commission approve the 2013 meeting schedules for the Planning and Zoning Commission and Inland Wetlands Agency. MOTION PASSED UNANIMOUSLY.

**d. HUD Grant**

After Painter's summary, the Commission agreed by consensus to hold a Special Meeting on December 17<sup>th</sup> at 5:30 p.m. to meet with the HUD consultant and determine the Commission's role in this process.

**Communications and Bills:**

A field trip was scheduled to visit the Shifrin site on 11/14/12 at 3:30 p.m.

Regulatory Review Committee will meet on Thursday, November 8<sup>th</sup> at 5:00 p.m.

A 12-6-12 Special Presentation will be held at 7:00 p.m. in Council Chambers to discuss the Tech Park.

**Adjournment:** The meeting was adjourned at 10:12 p.m. by the Chairman.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES  
MANSFIELD PLANNING AND ZONING COMMISSION  
Regular Meeting  
Monday, November 19, 2012  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, G. Lewis, P. Plante B. Pociask,  
K. Rawn,  
Members absent: R. Hall, B. Ryan  
Alternates present: A. Marcellino, V. Ward, S. Westa  
Staff Present: Linda Painter, Director of Planning and Development  
Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:15 p.m., appointing alternates V. Ward and S. Westa to act in members' absences.

**Minutes:**

11-5-12 Meeting Minutes -B.Chandy MOVED K. Rawn seconded, to approve the 11/5/12 meeting minutes as written. MOTION PASSED UNANIMOUSLY.

11-14-12 Field Trip Minutes- K. Holt MOVED, K. Rawn seconded, to approve the 11/14/12 field trip minutes as written. MOTION PASSED with Holt and Rawn in favor and all others were disqualified.

**Zoning Agents Report:**

Noted.

**Public Hearings:**

**Special Permit Application, Seasonal Aerial Forest Ropes Course, west of Baxter Road on Storrs Road;  
Kueffner/Stoddard, owner/applicant: PZC File #1313**

Chairman Goodwin opened the Public Hearing at 7:16 p.m. Members present were J. Goodwin, B. Chandy, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, and alternates A. Marcellino, V. Ward, S. Westa. Ward and Westa were seated. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 11-6-12 and 11-14-12 and noted the following communications received and distributed to the Commission members: a 10-29-12 report from G. Havens, EHHD; an 11-5-12 letter from F. Goetz, Chair of Mansfield Advisory Committee on Persons with Disabilities; an 11-13-12 report G. Meitzler, Assistant Town Engineer; an 11-14-12 report from F. Raiola, Assistant Chief/Deputy Fire Marshal; and an 11-15-12 report from L. Painter, Director of Planning and Development; an 11-19-2012 letter from S. Ross and E. Schultz of 239 Hanks Hill Road; an 11-19-2012 letter from G. W. Merrow and an 11-19-2012 letter from K. Green of 1090 Stafford Road.

Present were Christopher Kueffner and Lynn Stoddard, both of whom agreed that the testimony from the previous Inland Wetlands Meeting may be incorporated into the record of the PZC Public Hearing. Kueffner and Stoddard reviewed the proposal and plans, including the layout of the site and areas of work. They agreed with the suggestions outlined in the staff memos. Staff will investigate whether there are any building code requirements which might be applicable to the project.

Matthew Solmo, a UConn student and an avid climber and outdoorsmen, spoke in support of the project calling it both educational and recreational.

Tom Birkenholz, 108 South Eagleville Road, commented the project is a smart approach to help grow the Town. In his experience these parks put safety first and cause little or no damages to the trees.

At 8:12 p.m. Chairman Goodwin noted no further comments or questions from the public, and she declared that the Public Hearing was to be continued at the 12-3-12 meeting.

**Draft Revisions to Zoning Regulations Pertaining to Signs, Non-Conforming Buildings and Parking/Driveway Requirements**

Chairman Goodwin opened the Public Hearing at 8:13 p.m. Members present were J. Goodwin, B. Chandy, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, and alternates A. Marcellino, V. Ward, S. Westa, V. Ward and S. Westa were seated. Linda Painter, Director of Planning and Development, read the legal notice as it appeared in the Chronicle on 11-6-12 and 11-14-12 and noted the following communications received and distributed to the Commission members: an 11-14-12 report from F. Raiola, Assistant Chief/Deputy Fire Marshal; an 11-15-12 report from Attorney O'Brien; and an 11-15-12 report from L. Painter, Director of Planning and Development; an 11-14-2012 letter from WINCOG.

Linda Painter, Director of Planning and Development, reviewed the proposed regulation revisions.

Chairman Goodwin noted no further comments or questions from the public or Commission. Holt MOVED, Plante seconded, to close the Public Hearing at 8:20 p.m. MOTION PASSED UNANIMOUSLY.

**Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**

Chairman Goodwin opened the continued Public Hearing at 8:24 p.m. Members present were J. Goodwin, B. Chandy, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, and alternates A. Marcellino, V. Ward, S. Westa. Ward and Westa were seated. Linda Painter, Director of Planning and Development, stated that the developer has requested this item be tabled to allow adequate time for plan revisions and added an 11-16-2012 letter from Michele and Zeljko Boskovic of Michele Lane and an 11-14-2012 letter from Doug and Darlene Murphy to the record.

At 8:26 p.m. Chairman Goodwin noted no questions or comments from the public, and she declared the Public Hearing was continued to the 12-3-12 meeting.

**Special Permit Application, Assembly/Banquet Hall and associated uses, 476 Storrs Road; Healey, owner/applicant: PZC File #1312**

Chairman Goodwin opened the continued Public Hearing at 8:29 p.m. Members present were J. Goodwin, B. Chandy, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, and alternates A. Marcellino, V. Ward, S. Westa. Ward and Westa were seated. Linda Painter, Director of Planning and Development, noted an 11-14-12 request of the applicant requesting this item be tabled to allow adequate time for plan revisions.

At 8:40 p.m. Chairman Goodwin noted there were no comments or questions from the public or Commission. She declared the Public Hearing was to be continued to the 12-3-12 meeting as the applicant requested.

**Old Business:**

**a. Application to Amend the Mansfield Zoning Map-Storrs Center Special Design District/Master Plan, Storrs Center Alliance, LLC, owner/applicant: PZC File #1246-10**

Holt MOVED, Chandy seconded, to approve, subject to revisions noted below, the August 29, 2012 application of Storrs Center Alliance, LLC, to amend the Zoning Map for the Storrs Center Special Design District, as submitted to the Commission and as modified through materials presented at Public Hearings on October 1 and October 15, 2012. The map amendment shall become effective as of December 15, 2012 or upon subsequent filing of approved maps, reports and design guidelines that, based on the provisions of Article X, Section S of the Zoning Regulations, are directly associated with the subject rezoning approval.

In approving this application the Planning and Zoning Commission has considered all Public Hearing testimony and communications. Approval of the proposed zoning map amendment to the Storrs Center Special Design District is granted for the following reasons:

1. The proposed changes to the master plan and design guidelines for the Market Square area will improve access to food and other daily shopping needs for surrounding neighborhoods while maintaining the high standard of urban design established by the Special Design District.
2. The proposed amendment promotes goals, objectives, and recommendations contained in Mansfield's 2006 Plan of Conservation and Development. The proposed amendment also is considered to be consistent with goals and recommendations contained in the 2002 Windham Regional Land Use Plan, and the 2005-2010 Conservation and Development Policies for Connecticut.
3. The proposed amendment is consistent with the approved Municipal Development Plan for the Storrs Center Project.
4. The proposed amendment is consistent with Section 8-2 of the Connecticut General Statutes.
5. Subject to the revisions noted below, the proposed amendment is consistent with the statement of regulatory intent and purpose contained in Article I and the approval considerations contained in Article XIII of the Mansfield Zoning Regulations.
6. Subject to the revisions noted below, the proposed changes to the Preliminary Master Plan maps, the Master Parking Study, the Master Traffic Study, the Master Stormwater Drainage Study and the Design Guidelines for this project provide adequate and appropriate details to address the regulatory provisions of Article X, Section S and Article XIII of the Zoning Regulations.

The applicant's August 29, 2012 Zoning Map Amendment submissions shall be revised as set forth below. These revisions address issues raised through the Public Hearing process and are deemed necessary to appropriately implement the proposed changes to the Storrs Center project and to ensure that the resulting development promotes the public's health, safety, property values and general welfare.

1. The preliminary master plan sheets shall be revised as follows:
  - A. Street Names. The map sheets shall be revised to use the newly adopted street names. For consistency and coordination with the Design Guidelines, former names such as Village Street and Post Office Road should be placed in parentheses.
  - B. Map Sheet Titles. The title of the map sheets shall be revised to change the word 'Amended' to 'Alternate' to clearly identify this proposal as an alternative to the original master plan for the Market Square area, not a replacement of the original master plan.
  - C. Map ZC—05.a. (Preliminary Master Plan).
    - i. Amend the map to depict the change in configuration of the parking lot at the southeast corner of the site as presented at the October 15, 2012 public hearing.
    - ii. Revise Note 3 to change the reference from State Traffic Commission (STC) to Office of the State Traffic Administration (OSTA).
  - D. Map ZC-10.a (Phasing Map) shall be revised to include the notes from the original Map ZC-10.
  - E. Map ZC-11.a (Preliminary Building and Service Access Plan). Note 1 shall be revised to read "Loading for buildings without defined service areas will be on-street or in adjacent surface parking

areas.”

2. The Design Guidelines shall be revised as follows:

A. A note shall be added to the beginning of the design guidelines containing an equivalency table for street names (i.e. references to Post Office Road now apply to Charles Smith Way, etc.)

B. The proposed changes shall be incorporated into the existing design guidelines as an alternative to the original plan. This may require a different numbering system.

C. Section 2.1.2 (Market Square Area). Amend the third sentence of the last paragraph to read as follows:

*Elevations should address the street front edges on Storrs Road, the Village Street and Post Office Road as well as the parking area.*

D. Section 2.4.1 (Use Requirements). Amend to read as follows:

*Allowable Uses: Supermarket, retail, restaurant and any other non-residential uses permitted within the SC-SDD allowed at grade with allowance for entries and lobbies to upper floors; offices and other non-residential uses allowed on upper floors and mezzanines. The supermarket shall not open before 5:30 am and shall close by 1:30 am. Future tenants of the corner building shall not open before 7:00 am and shall close by 11 pm. Parking shall be off-street surface parking with on-street parking where allowed within the SC-SDD. Surface lots at grade shall be buffered by architectural or landscape features.*

E. Section 2.4.2 (Dimensional Requirements). Revise subsection e to allow a maximum height of 45 feet.

F. Section 2.4.4.h (Sidewalk/Terrace/Planting Area). Add the following sentence to the end of the section:

*In areas where a retaining wall over 4 feet in height abuts the sidewalk planting area, landscape treatments should be used to visually break up the mass of the retaining wall. See Section 2.4.6.e for sample illustrations.*

G. Section 2.4.4.m (Fire Hydrants). Change the cross-reference from Section 4.9.c to 4.10.c.

H. Add new Section 2.4.4.n as follows:

*Phasing: The building at the corner of Storrs Road and Post Office Road is an essential component in the creation of a gateway to the downtown. Additionally, the building helps to buffer the surface parking lot by creating strong visual and pedestrian edge along Storrs Road. To ensure that this gateway is established, no permits shall be issued for the supermarket building until permits have been issued for the corner building; permits may be issued simultaneously.*

I. Section 2.4.5 (Illustrative Plans and Sections: Market Square). Change the section to include the clerestory portion of the building in the maximum height and change the maximum dimension to 45 feet to correspond to the change in Section 2.4.2.



- J. Section 2.4.6.b (Plan and Vista Orientation). Change the figure to add a fifth key vista at the northwest corner of the market building as presented at the October 1, 2012 public hearing.
- K. Section 2.4.6.c (Building Composition Sketches). Add a new figure showing the view of the northwest corner of the market building along Storrs Road that was presented at the October 1, 2012 public hearing. Add the following language below the figure:

*View of Supermarket from Storrs Road Approaching from North on Storrs Road*

*To minimize the impact of the adjacent service area on the Storrs Road streetscape, the fence or wall used to screen the area shall be compatible in materials and proportion to the market building. Columns will be used to break up the mass of the structure and continue the pattern of vertical bays established by the building.*

- L. Add new Section 2.4.6.e to include the renderings of retaining wall and landscape treatments as presented at the October 15, 2012 public hearing. Appropriate captions should be added beneath each rendering. The following title and narrative should precede renderings:

*Streetscape Composition-Market Square: Examples of How to Respond to Vista Considerations at the Southeast Corner*

*The following renderings provide examples of how the height and mass of the retaining wall could be softened through landscaping at sidewalk level. The use of a low fence on the top of the retaining wall will help to screen the view of cars from the upper floors of nearby residences. The height of this fence should be carefully balanced with the height of the retaining wall to avoid a combined height that becomes overwhelming to pedestrians.*

- M. Section 4.4.3.f (Off-Street Parking-Landscaping). Amend this section to read as follows:

*In general, no more than 12 contiguous parking spaces should be allowed in a row without a landscape feature, including either landscape islands or tree wells. Where used, landscape islands should have a minimum width of 6 feet and should be planted with shade trees. Columnar trees or other trees with a tap root system are encouraged along the perimeter of the parking lot so as to not interfere with the canopy of street trees while still providing a visual break. Planters/tree wells can be more closely spaced than islands and should be used to enhance the number of trees and shade. In areas adjacent to retaining walls, smaller tree species should be used to provide landscape breaks while not compromising the structure of the retaining wall.*

- N. Section 4.4.3.i (Off-Street Surface Parking-Lighting). Amend this section to read as follows:

*Lighting of the surface parking lot shall comply with Section 4.6. Maximum height of free-standing fixtures shall be 16 feet; however, use of shorter fixtures consistent with the prototype for residential neighborhoods identified in Section 4.6.2 is encouraged due to the elevated nature of the parking lot as compared to nearby homes.* *Lighting of the surface parking lot should not contribute to night sky pollution and should employ light fixtures meeting industry standards for full cut-off.*

MOTION PASSED with all in favor except Goodwin and Rawn who were opposed.

- b. **Special Permit Application, Seasonal Aerial Forest Ropes Course, west of Baxter Road on Storrs Road; Kueffner/Stoddard, owner/applicant: PZC File #1313**  
Item tabled, pending 12/3/12 continued Public Hearing.

c. **Draft Revisions to Zoning Regulations Pertaining to Signs, Non-Conforming Buildings and Parking/Driveway Requirements**

Ward MOVED, Plante seconded, to approve, effective December 15, 2012, revisions to Articles IX and X of Mansfield's Zoning Regulations related to non-conforming buildings, signs, and off-street parking requirements, as presented at a Public Hearing on November 19, 2012. The revisions were filed with the Town Clerk prior to the public hearing. A copy of the subject regulations shall be attached to the Minutes of this meeting.

In approving the subject zoning regulations, the Planning and Zoning Commission has reviewed and considered all Public Hearing testimony and communications including reports from the WINCOG Regional Planning Commission, Mansfield's Director of Planning and Development, the Mansfield Fire Marshal and the Mansfield Town Attorney. The zoning regulation amendments referenced above are adopted pursuant to the provisions and authority contained in Chapter 124 of the Connecticut General Statutes, including Section 8-2. Furthermore, the Commission has adopted the subject regulation revisions for the following reasons:

1. The subject revisions will: streamline the review process for additions to non-conforming structures that are consistent with existing setbacks and development patterns; provide reasonable accommodation for signs while preventing visual clutter; ensure that residential driveways on existing lots meet the same safety and design standards required in new subdivisions; and provide the Commission with the ability to reduce parking requirements based on need to prevent over-paving of land.
2. The subject revisions are consistent with Plan of Conservation & Development goals and objectives, particularly Policy Goal 1, Objective d.
3. The subject regulation revisions promote goals and objectives contained in Article I of the Zoning Regulations and are consistent with the approval considerations contained in Article XIII, Section D of the Zoning Regulations.
4. The subject regulations revisions are acceptably worded and suitably coordinated with related Zoning provisions. The proposed wording has been found legally acceptable to the Town Attorney.

MOTION PASSED UNANIMOUSLY.

- d. **Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**  
Item tabled, pending continued Public Hearing.

- e. **Special Permit Application, Assembly/Banquet Hall and associated uses, 476 Storrs Road; Healey, owner/applicant: PZC File #1312**  
Item tabled, pending continued Public Hearing.

- f. **Subdivision Application, Beacon Hill Estates, Section II, Mansfield City Road, west of Beacon Hill Road; Eagleville Development Group, LLC, applicant: PZC File #1214-3**  
Item tabled, pending a Public Hearing on 1/7/13.

### New Business:

- a. **8-24 Referral: Proposed acquisition of Marshall Property (Dunhamtown Forest Area; located north of Mansfield City Road and west of White Oak Road)**

Linda Painter, Director of Planning and Development, described the property and noted the 11-14-2012 draft minutes of the Conservation Commission have been entered into the record.

Holt MOVED, Rawn seconded, that the PZC notify the Town Council that the proposed acquisition of the Marshall Property would promote Mansfield's Plan of Conservation and Development through protection of interior forest and potential for expanding the town's trail network. MOTION PASSED UNANIMOUSLY.

- b. **8-24 Referral: Proposed acquisition of Malek Property (Wolf Rock Preserve Area; located northwest of Sawbrook Mill Lane)**

Linda Painter, Director of Planning and Development, described the property and noted the 11-14-2012 draft minutes of the Conservation Commission have been entered into the record.

Holt MOVED, Chandy seconded, that the PZC notify the Town Council that the proposed acquisition of the Malek Property would promote Mansfield's Plan of Conservation and Development through protection of interior forest and the Kidder-Sawmill Brook streambelt as well as the potential for expanding the town's trail network. MOTION PASSED UNANIMOUSLY.

- c. **New Special Permit Application, Efficiency Unit, 22 Russett Lane, Jorgensen owner/applicant; PZC File #1314**

Rawn MOVED, Holt seconded, to receive the Special Permit application, File #1314, submitted by Rachel Jorgensen, for an efficiency unit within a single-family dwelling, on property located at 22 Russett Lane, owned by the applicant, as shown on plans dated April 1964, and as described in other application submissions, and to refer said application to the staff for review and comments, and to set a Public Hearing for January 7, 2013. MOTION PASSED UNANIMOUSLY.

- d. **University of Connecticut Draft Water Supply Environmental Impact Evaluation (EIE)**

Linda Painter, Director of Planning and Development, reviewed the EIE and the next steps in the process. Members discussed a number of land use concerns and will discuss the issue further at the next Regulatory Review meeting. Additional comments should be sent to Linda Painter who will compile the information for submission to the Town Council.

- e. **Mansfield Tomorrow | Our Plan ▶ Our Future**

Linda Painter, Director of Planning and Development, asked that this subject be made a standing agenda item. By consensus the PZC agreed to support the solicitation of community and advisory committee members to fill the enumerated positions for the steering committee.

### Communications and Bills:

The next Regulatory Review Committee meeting will be held on 11-19-12; the time will be determined next week.

A Field Trip is to be set for 12-12-12 at 3:30 p.m.

Adjournment: The meeting was adjourned at 9:35 p.m. by the Chairman.

Respectfully submitted,

Katherine Holt, Secretary

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**DRAFT MINUTES**  
**MANSFIELD PLANNING AND ZONING COMMISSION**  
Regular Meeting  
Monday, December 3, 2012  
Council Chamber, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), R. Hall, K. Holt, G. Lewis, P. Plante, B. Pociask, K. Rawn, B. Ryan  
Members absent: B. Chandy  
Alternates present: A. Marcellino, V. Ward, S. Westa  
Staff Present: Curt Hirsch, Zoning Agent

Chairman Goodwin called the meeting to order at 7:12 p.m., appointing Marcellino to act in Chandy's absence.

Holt MOVED, Rawn seconded, to add to the agenda under New Business, Beacon Hill Estates, Section II.  
MOTION PASSED UNANIMOUSLY.

**Minutes:**

**11-19-12 Meeting Minutes-** Plante MOVED, Rawn seconded, to approve the 11/19/12 meeting minutes as written. MOTION PASSED with all in favor except Hall who disqualified himself. Ryan noted for the record that she familiarized herself with the record of the meeting.

**Zoning Agent's Report:**

Noted.

**Public Hearings:**

**Special Permit Application, Seasonal Aerial Forest Ropes Course, west of Baxter Road on Storrs Road; Kueffner/Stoddard, owner/applicant: PZC File #1313**

Chairman Goodwin opened the continued Public Hearing at 7:15 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino, Ward and Westa. Marcellino was seated. Curt Hirsch, Zoning Agent, noted the following communications received and distributed to members: a 11/29/12 memo from L. Painter, Director of Planning and Development; an 11/20/12 email from M. Nintean, Director of Building and Housing; an 11/28/12 email from L. Stoddard; an 11/29/12 email from L. Stoddard; and an 11/29/12 email from G. Meitzler, Assistant Town Engineer.

The applicants, Christopher Kueffner and Lynn Stoddard, were present. Stoddard provided answers to the questions posed at the last Public Hearing and also stated that they concurred with all staff comments and would incorporate staff comments in their plans.

Kathleen Connolly, 37 Davis Road, is an employee of the Department of Children and Families and is excited about the proposal, stating that DCF uses similar facilities in other areas of the state to work with children and noted how beneficial it is in building the children's trust and self-esteem. She is in favor of the application and is happy at the prospect of having such a facility locally.

Chairman Goodwin noted no further comments or questions from the public or Commission. Plante MOVED, Pociask seconded, at 7:24pm to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

**Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**

Chairman Goodwin opened the continued Public Hearing at 7:25 p.m. Members present were Goodwin,

Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino, Ward and Westa. Marcellino was seated. Curt Hirsch, Zoning Agent, noted the following communication received and distributed to members: a 12/3/12 email from P. Lafayette of Development Solutions.

Hall MOVED, Ryan seconded, to accept the applicant's request for an extension to the 1/7/13 meeting. MOTION PASSED UNANIMOUSLY. At 7:26 p.m., Holt MOVED, Ryan seconded, to adjourn the Public Hearing to 1/7/13. MOTION PASSED UNANIMOUSLY.

**Special Permit Application, Assembly/Banquet Hall and associated uses, 476 Storrs Road; Healey, owner/applicant: PZC File #1312**

Chairman Goodwin opened the continued Public Hearing at 7:27 p.m. Members present were Goodwin, Hall, Holt, Lewis, Plante, Pociask, Rawn, Ryan and alternates Marcellino, Ward and Westa. Marcellino was seated. Curt Hirsch, Zoning Agent, noted a 12/1/12 email from the applicant requesting a withdrawal of the application. Holt MOVED, Hall seconded to accept the 12/1/12 request of Michael Healey to withdraw his application. MOTION PASSED UNANIMOUSLY. At 7:28 p.m., Plante MOVED, Ryan seconded, to close the Public Hearing. MOTION PASSED UNANIMOUSLY.

**Old Business:**

- a. **Special Permit Application, Seasonal Aerial Forest Ropes Course, west of Baxter Road on Storrs Road; Kueffner/Stoddard, owner/applicant: PZC File #1313**  
Plante suggested a condition of approval that provides that prior to the issuance of a permit for Phase II, staff and/or Commission review any complaints filed regarding noise, traffic, litter, etc. After a general consensus of support, Holt volunteered to work with staff to draft a motion for the next meeting.
- b. **Special Permit Application, 54 residential apartments, 73 Meadowbrook Lane, Whispering Glen-Lakeway Farms, L.P., owner/applicant: PZC File #1284-2**  
Tabled, pending continued Public Hearing on 1/7/13.
- c. **Special Permit Application, Assembly/Banquet Hall and associated uses, 476 Storrs Road; Healey, owner/applicant: PZC File #1312**  
Item withdrawn.
- d. **University of Connecticut Draft Water Supply Environmental Impact Evaluation (EIE)**  
The Commission agreed to have Chairman Goodwin submit the following letter to the Town Council stating the position of the PZC.

"At its meeting on December 3, 2012, the Commission endorsed the following recommendations regarding the UConn Water Supply EIE. The focus of our review was on land use and wetland issues related to the three interconnection alternatives identified in the report, particularly with regard to the Town's Plan of Conservation and Development.

It is important to note that the Commission has significant concerns with regard to the potential for secondary growth impacts along any of the proposed pipeline routes. While we are working on developing an overlay district to prevent development that is inconsistent with the Town's Plan of Conservation and Development, we do believe that some of the options presented have greater potential to spur inappropriate development. That concern was one of the guiding factors in identifying recommended pipeline routes for each alternative.

The following recommendations are listed in the order in which the alternatives appeared in the EIE; we have not identified a preference among the three.

### Connecticut Water Company Interconnection

If the Connecticut Water Company were to be chosen as the preferred alternative, the following recommendations would apply:

- *Preferred Pipeline Route.* Of the alternatives provided, we believe that the Baxter Road option would be the more appropriate route. We would also recommend that the pedestrian bridge at Jones Crossing Road be identified as the preferred method of crossing the Willimantic River provided the rights-of-way in Coventry and Mansfield still exist. The selection of this route is based on the goal of minimizing impacts from secondary growth. While the Commission is working on the development of an overlay district to prevent secondary growth as a result of new pipelines, we believe that the use of Baxter Road would help to reduce pressures to place inappropriate development on Route 195. We also believe that this routing scenario could be substantially more cost effective by using local as opposed to state roads. This option would also provide access to the public water system to the Goodwin Elementary School, eliminating the need for wells.
- *Water Tank Location.* Based on the options described in the report, we would recommend that the water tank be placed on University property as described in the report.

### Metropolitan District Commission (MDC) Interconnection

While we have not identified a preferred alternative, we do believe that the MDC option is the least appropriate alternative due to the distance involved; the environmental impacts and precedent setting nature of transferring water from one region of the state to another; and the potential for secondary growth along the pipeline corridors. Therefore, we discourage the selection of this option. If the MDC alternative was to be selected, we have the following comments:

- *Preferred Pipeline Route.* If the MDC option were to be selected, we believe that the Interstate 84/Route 195 route would be preferable in that the potential secondary growth impacts are much less than the Interstate 384/Route 44 option. The same comments applied to the Connecticut Water Company route would apply to this alternative if the I-84/Route 195 route were to be selected.
- *Water Tank Location.* Based on the options described in the report, we would recommend that the water tank be placed on University property as described in the report.

### Windham Water Works Interconnection

If the Windham Water Works were to be chosen as the preferred alternative, the following recommendations would apply:

- *Preferred Pipeline Route.* We believe that the Clover Mill Road/Maple Road route is the most appropriate of the three options presented for the following reasons:
  - The Route 195/Storrs Road route passes through Mansfield Center, one of the town's most significant historic districts. As the Storrs Road route would require installation of a water tank in the vicinity of Mansfield Center, it could have a visual impact on the area's historic and rural character. Furthermore, while the Commission is working on development of an overlay zone to prevent inappropriate secondary growth, we believe the Route 195/Storrs Road route would present greater growth pressure due to its status as the main arterial connecting northern and southern Mansfield.
  - The Chaffeeville Road alternative has the greatest potential for environmental impacts as it involves two crossings of the Fenton River, and has the greatest potential for wetland impacts in the vicinity of the UConn Fenton River Wellfield.
  - The Clover Mill Road/Maple Road would have the lowest impact on historic and

environmental resources and would also provide access to public water for the Mansfield Middle School, eliminating the need for wells. As with the Baxter Road alternative described above under the Connecticut Water Company option, this route could also recognize significant cost savings by using local roads.

- *Water Tank Location.* Based on the recommended pipeline route, the best option for the location of the water tank would be Schoolhouse Brook Park.”

**e. Mansfield Tomorrow | Our Plan ▶ Our Future**

Hirsch reminded the Commission that there will be a special meeting at 5:30 p.m. on Monday, December 17<sup>th</sup> to meet with the consultant, Goody Clancy.

**f. Subdivision Application, Beacon Hill Estates, Section II, Mansfield City Road, west of Beacon Hill Road; Eagleville Development Group, LLC, applicant: PZC File #1214-3**

Holt MOVED, Hall seconded, the grant the applicant’s withdrawal request (due to failure to notify abutters). MOTION PASSED UNANIMOUSLY.

**g. Special Permit Application, Efficiency Unit, 22 Russett Lane, Jorgensen owner/applicant; PZC File #1314**

Tabled, pending a Public Hearing on 1/7/13.

**New Business:**

**a. 8-24 Referral: Re: Adjustments to Easements for Storrs Road and Wilbur Cross Way**

Holt MOVED, Ryan seconded, that the PZC notify the Town Council that the proposed adjustment to the Easement for Storrs Road and Right-of-Way for Wilbur Cross Way are consistent with Mansfield’s Plan of Conservation and Development. MOTION PASSED UNANIMOUSLY.

**b. Subdivision Application, Beacon Hill Estates, Section II, Mansfield City Road, west of Beacon Hill Road; Eagleville Development Group, LLC, applicant: PZC File #1214-3**

Holt MOVED, Ryan seconded, to receive the subdivision application (file # 1214-3) submitted by Eagleville Development Group, LLC for a 17-lot subdivision, on property located on the south side of Mansfield City Road, west of Beacon Hill Drive as shown on plans dated 07/15/12, and as described in other application submissions, and to refer said application to the staff, Conservation Commission, and Open Space Preservation Committee for review and comments and to set a public hearing for January 7, 2012 at 7:05 p.m. MOTION PASSED UNANIMOUSLY.

**Communications and Bills:**

A field trip was scheduled on 12/12/12 at 2:00 p.m.

A 12-6-12 Special Presentation will be held at 7:00 p.m. in Council Chambers to discuss the Tech Park.

**Adjournment:** The meeting was adjourned at 7:54 p.m. by the Chairman.

Respectfully submitted,

Katherine Holt, Secretary



MINUTES  
MANSFIELD INLAND WETLANDS AGENCY  
Regular Meeting on Monday, November 5, 2012  
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, R. Hall, K. Holt, G. Lewis, P. Plante B. Pociask,  
K. Rawn, B. Ryan  
Alternates present: A. Marcellino, V. Ward, S. Westa  
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed Marcellino to act if needed in case of member disqualification.

**Minutes:**

10-1-12 – Regular Meeting- Hall MOVED, Chandy seconded, to approve the 10-1-12 minutes as written. MOTION PASSED with all in favor except Plante who disqualified himself.

10-10-12 – Field Trip Meeting- Ryan MOVED, Lewis seconded, to approve the 10-10-12 field trip minutes as written. MOTION PASSED with Goodwin, Chandy, Holt, Lewis and Ryan in favor and all others disqualified.

**Communications:**

The 10-17-12 Draft Minutes of the Conservation Commission and the 11-1-12 Wetlands Agent's Monthly Business report were noted.

**Public Hearings:**

None.

**Old Business:**

W1504 - Kueffner - Rte 195 – Treescape

Item was tabled for consideration at the 11/19/12 Special Meeting.

W1502 - Wetlands Violation Ordinance

Item was tabled– no new information.

**New Business:**

W1505 - Beacon Hill Estates, Section II, Mansfield City Road, 17 Lot Subdivision

Ryan MOVED, Holt seconded, to receive the application submitted by the Eagleville Development Group, LLC, (Beacon Hill Estates, Section II) (W1505) for a 17-lot subdivision, on property located at Beacon Hill Road/Mansfield City Road, as shown on plans dated 3-11-12, and as described in application submissions, and to refer said application to staff and committees for review and comment. MOTION PASSED UNANIMOUSLY.

W1507 – (W1452/W1339) Shifrin- Mansfield Hollow Hydro Project

Ryan MOVED, Holt seconded, to receive the application submitted by Sam and Michelle Shifrin (W1507) for Mansfield Hollow Hydroelectric Project, on property located at 114 Mansfield Hollow Road (Kirby Mill), as shown on plans dated 4-26-10, and as described in application submissions, and to refer said application to staff and committees for review and comments. MOTION PASSED UNANIMOUSLY.

This application will be scheduled for discussion and vote at a Special Meeting on November 19, 2012

W1506 – Footbridge, Lions Memorial Park/Dorwart Preserve, Mulberry Road

Holt MOVED, Hall seconded, to approve the request for exemption (File W1506), submitted by the Town of Mansfield acting through Jennifer Kaufman, Recreation Coordinator, for placement of a footbridge at the Lions Memorial Park/Dorwart Preserve, located off Wormwood Hill Road and Mulberry Road, as described in the

application materials and sketch mapping dated May 2012 which have been submitted.

This action is based on a finding of no anticipated significant impact on the wetlands, and is conditioned upon the following provisions being met:

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction, and removed when disturbed areas are completely stabilized.

This exemption is granted under the provisions of Section 4.1. B (second). Any change in the work proposed is to come back before the Agency for further review. MOTION PASSED UNANIMOUSLY.

**Adjournment:**

The Chairman declared the meeting adjourned at 7:10 p.m.

Respectfully submitted,

Katherine Holt, Secretary

MINUTES  
MANSFIELD INLAND WETLANDS AGENCY  
SPECIAL Meeting  
Monday, November 19, 2012  
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), B. Chandy, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn  
Members absent: R. Hall, B. Ryan  
Alternates present: A. Marcellino, V. Ward, S. Westa (7:05 p.m.)  
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the special meeting to order at 7:00 p.m. and appointed A. Marcellino and V. Ward to act in members' absences.

**Old Business:**

**W1504 - Kueffner - Rte 195 – Aerial Treescape**

L. Stoddard and C. Kueffner reviewed the changes suggested by staff and agreed to incorporate them in the final plans.

**W1507 – (W1452/W1339) Shifrin- Mansfield Hollow Hydro Project**

Holt MOVED, Ward seconded, to grant an Inland Wetlands license pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield to Sam and Michelle Shifrin (file no. W1507) for a hydro-power project at the Kirby Mill property in Mansfield Hollow on property owned by the applicant located at 114 Mansfield Hollow Road, as shown on site plans dated April 26, 2010, and on a sediment & erosion control plan dated revised March 6, 2006 and as described at meetings of the Inland Wetlands Agency held November 5, 2012, November 14, 2012, and November 19, 2012.

This action is based on a finding of no significant impact on the wetlands, and is conditioned on the following conditions being met:

1. Appropriate erosion and sedimentation controls (as shown on the plans) shall be in place prior to construction and maintained during construction, and removed when disturbed areas are completely stabilized;
2. All required approvals from other agencies shall be obtained before this approval becomes effective;
3. The final plans shall include definition of tree removal and preservation areas to insure appropriate stabilization of the river bank areas;
4. A double row of silt fencing is to be placed along the downhill side of the construction areas.

This approval is valid for 5 years (until November 19, 2017), at which time a renewal of the permit is required if work has not been completed. The applicant shall notify the Wetlands Agent before work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment. MOTION PASSED UNANIMOUSLY.

**Adjournment:**

The Chairman declared the meeting adjourned at 7:13 p.m.

Respectfully submitted,

Katherine Holt, Secretary

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**DRAFT MINUTES**  
**MANSFIELD INLAND WETLANDS AGENCY**  
Regular Meeting  
Monday, December 3, 2012  
Council Chambers, Audrey P. Beck Municipal Building

Members present: J. Goodwin (Chairman), R. Hall, K. Holt, G. Lewis, P. Plante B. Pociask, K. Rawn, B. Ryan  
Members absent: B. Chandy,  
Alternates present: A. Marcellino, V. Ward, S. Westa  
Staff present: Grant Meitzler, Wetlands Agent

Chairman Goodwin called the meeting to order at 7:00 p.m. and appointed Westa to act in Chandy's absence.

**Minutes:**

11-05-12 – Regular Meeting- Plante MOVED, Ryan seconded, to approve the 11-05-12 minutes as corrected. MOTION PASSED UNANIMOUSLY.

11-14-12 – Field Trip Meeting- Holt MOVED, Rawn seconded, to approve the 11-14-12 field trip minutes as written. MOTION PASSED with Holt and Rawn in favor and all others disqualified.

11-19-12 – Special Meeting- Plante MOVED, Pociask seconded, to approve the 11-19-12 minutes as written. MOTION PASSED with all in favor except Hall who disqualified himself. Ryan noted for the record that she had familiarized herself with the record of the meeting.

**Communications:**

The 11-14-12 Draft Minutes of the Conservation Commission and the 11-20-12 Wetlands Agent's Monthly Business report were noted.

**Public Hearings:**

None.

**Old Business:**

W1504 - Kueffner - Rte 195 – Treescape

Hall disqualified himself. Chairman Goodwin appointed Marcellino to act in his place.

Holt MOVED, Plante seconded, to grant an Inland Wetlands License, pursuant to the Wetlands and Watercourses Regulations of the Town of Mansfield, to Chris Kueffner & Lynn Stoddard (file W1504) for creation of an Aerial Forest Ropes Course, with a parking lot and driveway together with associated improvements, on a portion of property owned by the applicants and located on the south side of Route 195 about 700 feet west of Baxter Road, as depicted on a plan dated September 25, 2012, and as described in other application submissions.

This action is based on a finding of no significant impact, and is conditioned on the following provisions being met:

1. All erosion and sediment controls as described in the application shall be in place prior to construction, maintained during construction and removed when disturbed areas are completely stabilized;
2. The parking lot placement at its east and west ends shall be relocated to provide 50 to 25 feet of clearance between construction and grading areas nearest wetlands and the flagged wetland boundaries adjacent to the parking lot edge;
3. An outline for long term maintenance requirements of the drainage swale structures shall be provided to the Agency;

4. In recognition of the strongly tree-oriented nature of this proposal, minor changes in the individual parking space placements may be made provided approval is obtained from the Wetlands Agent and the Zoning Agent;
5. In the event that Phase 2 parking is not constructed before the five-year permit expiration date stated below, a renewal of the approval for the Phase 2 parking should be sought from the Inland Wetlands Agency.

This approval is valid for a period of five years (until December 3, 2017), unless additional time is requested by the applicant and granted by the Inland Wetlands Agency. The applicant shall notify the Wetlands Agent before any work begins, and all work shall be completed within one year. Any extension of the activity period shall come before this Agency for further review and comment.

MOTION PASSED with all in favor except Hall who disqualified himself.

W1502 - Wetlands Violation Ordinance

Item was tabled– no new information.

**New Business:**

W1508 - Rebecca Shafer - Echo Road - addition & Deck in buffer

Ryan MOVED, Holt seconded, to receive the application submitted by Rebecca Shafer (File #1508) under the Wetlands and Watercourses Regulations of the Town of Mansfield for a home addition and garage expansion on property located at 45 Echo Road as shown on a map dated 10-29-12 and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments.

MOTION PASSED UNANIMOUSLY.

W1509 - Fisher Builders LLC - Coventry Rd - garage/shop in buffer

Ryan MOVED, Holt seconded, to receive the application submitted by Fisher Builders, LLC (File #1509) under the Wetlands and Watercourses Regulations of the Town of Mansfield for an addition to an existing garage, on property located at 260 Coventry Road as shown on a map dated 10-25-12 and as described in application submissions, and to refer said application to staff and Conservation Committee, for review and comments.

MOTION PASSED UNANIMOUSLY.

**Agent Approval:**

Meitzler noted that he approved a request of Patrick Eye, 20 Hillyndale Road, for a deck 120 feet from wetlands.

**Adjournment:**

The Chairman scheduled a field trip for 12/12/12 at 2:00 p.m. and declared the meeting adjourned at 7:09 p.m.

Respectfully submitted,

Katherine Holt, Secretary

Memorandum:

November 20, 2012

To: Inland Wetland Agency  
From: Grant Meitzler, Inland Wetland Agent  
Re: Monthly Business

**W1419 - Chernushek - hearing on Order**

3.10.09: The hearing on the Order remains open and should continue until the permit application under consideration is acted upon.

(The Order was dropped on approval of the application required in the Order.)

4.30.09: Former rye grass seeding is beginning to show green. I spoke with Mr. Chernushek this afternoon who indicated health problems that delayed his starting but indicated he will be working this weekend. I will update on this Monday evening.

5.26.09: A light cover of grass growth has come in. Mr. Chernushek indicates health problems and two related deaths have delayed his start of work since the permit approval was granted. It appears that some light work has started. He has further indicated that he will start a vacation on June 22, 2009 to finish the work.

6.13.09: Work is underway.

6.21.09: Bulldozer work has been completed - finish work remains. The additional silt fencing has been placed along the northerly wetlands crossing, and the additional pipe under the southerly crossing has been installed. Remaining work includes finish grading along edges, spreading stockpiled topsoil, and establishing grass growth.

7.01.09: I spoke with Mr. Chernushek who indicated he expects work to be completed by September 1, 2009. (Site photo attached).

9.03.09: Mr. Chernushek has been working on levelling and grading. The formerly seeded areas have become fairly thick growth surrounding the central wet areas. He has further indicated that with the combination of weather and the slower moving of earth with the payloader compared to the earlier rented bulldozer has led him to contact contractors for earth moving estimates which have not yet been received. The site is not yet finished but has remained quite stable.

9.12.09: I met with Mr. Chernushek today and discussed again what his plans are for stabilizing this work site.

10.01.09: Mr. Chernushek indicated he has not heard back from the contractor he had spoken with about removing material, and is in progress of contacting others. In discussion is removal of material from the site either within the 100 cubic yard limit or obtaining a permit for such removal.

10.28.09: Mr. Chernushek has indicated he has made arrangements with DeSiato Sand & Gravel to remove 750 cubic yards of material. Staff is in the process of clarifying permit requirements.

**W1445 - Chernushek - application for gravel removal from site**

11.30.09: Packet of information representing submissions by Mr. Chernushek, Mr. DeSiato and myself is in this agenda packet as Mr. Chernushek's request for modification.

12.29.09: Preparation of required information for PZC special permit application is in progress. Tabling any action until the February 1, 2010 meeting is recommended.

1.12.10: 65 day extension of time received.

2.18.10: No new information has been received.

- 2.25.10: This application has been withdrawn.
- 6.30.10: As viewed from the adjacent property, the upstream and downstream areas have grown to a decent protected surface. I did not see indication of sediment movement.
- 10.26.10: A sale of the East portion of the Chernushek property has been in negotiation.
- 12.27.10: The property exchange has been completed. The owner is now the neighboring property owner Bernie Brodin. He has indicated his intention to stabilize the area as weather permits.
- 4.25.11: Mr. Brodin indicates he is starting with grading and spreading hay and seed to stabilize disturbed areas.

**Mansfield Auto Parts - Route 32**

- 12.07.11: Inspection - two vehicles are within 25' of wetlands. Payloader repairs not yet completed. Weekly inspections will be made until the two vehicles and doors are moved.
- 12.27.11: Inspection - 1 vehicle within 25' of wetlands - owner indicates it will be moved this week. Payloader is back in operation. Owner indicates doors in "rear" lot will be moved this week. Large number of tires have been moved from lot by RR tracks - approximately 65% of tires have been removed.
- 2.01.12: Inspection - employee indicates payloader repair has had problems and the one car within 25' has not yet been moved. Tire removal has continued and about 90 percent of the tires have been removed. A truck from the company removing the tires arrived while I was at the site.
- 3.01.12: Inspection - owner indicates payloader is repaired. Owner indicates the one car within 25' will be moved. Tire removal is nearing completion.
- 3.28.12: On the way to see the car moved I found the payloader blocking the entrance drive to the rear area, with the mechanic under the hood. He indicated the new engine had stopped running on the way to move the remaining car. Inspection today showed the payloader in the same location.
- 5.01.12: Payloader remains in the same location with a bad motor.
- 5.17.12: Payloader and the one vehicle have been moved. There are no vehicles within 25' of wetlands.
- 6.22.12: Inspection - no vehicles are within 25' of wetlands.
- 7.10.12: Inspection - no vehicles are within 25' of wetlands.
- 8.16.12: Inspection - no vehicles are within 25' of wetlands.
- 9.19.12: Inspection - no vehicles are within 25' of wetlands.
- 10.05.12: Inspection - no vehicles are within 25' of wetlands.
- 11.01.12: Inspection - no vehicles are within 25' of wetlands.
- 11.20.12: Inspection - no vehicles are within 25' of wetlands.